

Notice of a public meeting of

Planning Committee B

To: Councillors Merrett (Chair), Cullwick (Vice-Chair),
Fenton, Moroney, Nelson, Orrell, Vassie, Warters and
Wilson

Date: Thursday, 12 June 2025

Time: 4.30 pm

Venue: West Offices - Station Rise, York YO1 6GA

AGENDA

1. Apologies for Absence

2. Declarations of Interest (Pages 5 - 6)

At this point in the meeting, Members and co-opted members are asked to declare any disclosable pecuniary interest, or other registerable interest, they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

[Please see the attached sheet for further guidance for Members.]

- 3. Minutes** (Pages 7 - 12)
To approve and sign the minutes of the last Planning Committee B meeting held on 24 April 2025.

- 4. Public Participation**
At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

Please note that our registration deadlines are set as 2 working days before the meeting, in order to facilitate the management of public participation at our meetings. The deadline for registering at this meeting is 5:00pm on Tuesday, 10 June 2025.

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill in an online registration form. If you have any questions about the registration form or the meeting, please contact Democratic Services. Contact details can be found at the foot of this agenda.

Webcasting of Public Meetings

Please note that, subject to available resources, this meeting will be webcast including any registered public speakers who have given their permission. The meeting can be viewed live and on demand at www.york.gov.uk/webcasts.

- 5. Plans List**
This item invites Members to determine the following planning applications:

- a) **5 Main Street, Heslington, York, YO10 5EA** (Pages 13 - 44)
[24/01377/FULM]
Change of use of offices (use class E) to 25no. bed purpose-built student accommodation, erection of a single storey extension to The Hive and associated external works. [Fulford and Heslington Ward]
- b) **5 Main Street, Heslington, York, YO10 5EA** (Pages 45 - 54)
[24/01378/LBC]

Internal and external alterations to facilitate change of use of offices (use class E) to purpose-built student accommodation. [Fulford and Heslington Ward]

6. Planning Appeal Performance and Decisions (Pages 55 - 72)

This report informs Members of planning appeal decisions determined by the Planning Inspectorate between 01 January and 31 March 2025.

7. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Jane Meller

Contact details:

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For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

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এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

Declarations of Interest – guidance for Members

- (1) Members must consider their interests, and act according to the following:

Type of Interest	You must
Disclosable Pecuniary Interests	Disclose the interest, not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Directly Related) OR Non-Registrable Interests (Directly Related)	Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak, but otherwise not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Affects) OR Non-Registrable Interests (Affects)	Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being: (a) to a greater extent than it affects the financial interest or well-being of a majority of inhabitants of the affected ward; and (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest. In which case, speak on the item <u>only if</u> the public are also allowed to speak, but otherwise do not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.

- (2) Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.
- (3) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations,

and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.

City of York Council

Committee Minutes

Meeting	Planning Committee B
Date	24 April 2025
Present	Councillors B Burton (Chair), Cullwick (Vice-Chair), Fenton, Melly, Orrell, Vassie, Wartens and Whitcroft (Substitute)
Officers Present	Gareth Arnold, Development Manager Elizabeth Potter, Planning Officer Jodi Ingram, Lawyer (Planning)

75. Apologies for Absence (4.31 pm)

Apologies were received and noted from Cllrs Baxter and Nelson. Cllr Baxter was substituted by Cllr Whitcroft.

76. Declarations of Interest (4.31 pm)

Members were asked to declare at this point in the meeting any disclosable pecuniary interests or other registrable interests that they might have in the business on the agenda, if they had not already done so in advance on the Register of Interests.

Cllr Fenton noted, in relation to item 5c Honeysuckle House, he had attended meetings with officers and the retrofit installers, he did not consider himself to be pre-determined in the matter.

77. Minutes (4.32 pm)

Resolved: That the minutes of the last meeting held on 24 March 2025 were approved as a correct record.

78. Public Participation (4.32 pm)

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

79. Plans List (4.32 pm)

Members considered a schedule of reports of the Development Manager, relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

**80. 13 Bankside Close, Upper Poppleton, York, YO26 6LH
[24/00804/FUL] (4.32 pm)**

Members considered a full application by Frank Rowell for the erection of 1no. detached dwelling to side.

The Development Manager gave a presentation on the plans and Members were provided with an update to the officer report which included and amendment to condition 6 and two additional conditions relating to bat and bird boxes. An informative was also added which covered the Party Wall Act.

Public Speakers

Ann Smith spoke in objection to the application. She questioned the accuracy of the sun path analysis and raised concerns regarding the impact of the development on the boundary hedge and lack of mitigation in place to protect it.

Susan Tucket also spoke in objection to the application. She noted that the parish council had rejected the application and stated that it did not fit in with the ethos of the village design statement and neighbourhood plan. She also stated that it would have a negative effect on resident amenity and lead to an increase in traffic.

She responded to questions from Members and explained that the houses on the street had more space around them and explained that she was concerned about safety.

Keith Rushby spoke in objection to the application and emphasised potential problems relating to an excess of vehicles and difficulties with parking on the road. He also referred to the design statement. In response to questions, he confirmed that there was no space to park in the hammerhead.

Jamie Pyper, the agent for the applicant, spoke in support of the application. He stated that the proposal aligned with local and national

policy and confirmed the design was influenced by the local area and that the biodiversity net gain had been secured.

In response to questions from Members, he confirmed that the tree protection strategy would be submitted to the council prior to the work being undertaken and a construction management plan would also be made available. The impact on the hedge had not been assessed but that officers had found the plans for the boundary to be acceptable. The Party Wall Act was a civil matter and would be handled by a surveyor. Testing for the soakaway was to be completed once drainage priorities had been established.

Questions for officers followed and the following was reported:

- It was standard practice on smaller schemes to have the work hours of the site as an informative rather than a condition. If necessary, this could be enforced elsewhere in the council.
- The hedge was a matter of residential amenity between the neighbours and did not warrant a foundation design. There were no rights for the applicant to remove the hedge or go on neighbouring land.
- The sustainability of the location was confirmed, noting a bus route and station and some local shops.
- It was standard practice to produce sun diagrams for March to September.
- The Neighbourhood Plan and the Local Plan held full weight when considering the planning balance and the Village Design Statement provided supplementary planning guidance, officers considered the application was in accordance with the plans.
- To achieve biodiversity net gain, the applicant would purchase credit. Bird and bat boxes were part of the applicant's own ecological assessment and considered appropriate.

Following debate, the Chair proposed the officer recommendation to approve the application subject to the inclusion of additional conditions relating to the protection of the hedge. This was seconded by Cllr Melly. On being put to a vote, there were two votes in favour, five against and one abstention, therefore the motion fell.

There followed a discussion on the proposed grounds for refusal and Cllr Fenton subsequently moved refusal due to overdevelopment of the site. This was seconded by Cllr Warters. On being put to a vote there were six votes in favour and two against and therefore it was:

Resolved: That the application be refused.

Reason: The proposed development would result in the overdevelopment of the site which was contrary to policy D1 of the Local Plan and PNP4A and PNP6A of the Neighbourhood Plan. The projection of proposed dwelling along the side boundary rear of no.11 would result in a harmful overbearing impact; loss of space to the boundary contrary to Village Design Statement Guideline 17 harming the existing character of the area.

81. Mitrefinch House, Green Lane Industrial Estate Road, York, YO30 5YY [25/00110/FULM] (5.59 pm)

Members considered a major full application by Ben Warn, for the change of use from industrial storage/distribution building (use class B8) to sports and recreation facility including a wellness centre (use class E) with associated external alterations.

The Development Manager gave a presentation on the plans and the planning officer provided an update to the report which outlined two additional conditions relating to a full travel plan, following a consultation response from highways and a requirement to achieve a BREEAM rating of excellence following an undertaking from the applicant.

Public Speakers

Vannessa Warn spoke in support of the application and outlined the plans for the proposed facility. She highlighted the benefits of the wellbeing centre, creche and café and stated the intention to generate local employment on a brownfield site.

In response to questions from Members she outlined the plans for cycle parking and EV charging, stating that detailed plans were not yet in place, but they would consider the suggestions of the committee. She explained the reasoning for putting the creche on the first floor and noted her experience in running children's nurseries. Finally, she agreed to consider planting a hedge in the front of the security fence.

Following debate, which centred on amending conditions five and seven to include an accessible EV charging space and to include cycle spaces for non-standard cycles, Cllr Cullwick proposed the officer recommendation to approve the application. This was seconded by Cllr Melly. Members voted unanimously in favour of the motion, and it was therefore:

Resolved: That the application be approved.

Reason: The proposal would not result in the loss of employment land and would provide an additional sport and leisure facility in a suburban location with reasonable bus and cycle access. The proposal would not harm residential amenity and is considered to comply with the relevant policies of the Local Plan.

**82. Honeysuckle House, Herdsman Road, York
[24/02209/GRG3] (6.26 pm)**

Members considered a General Regulations (Reg3) application for the installation of 27no. Air Source Heat Pumps (ASHP) by City of York Council.

The Development Manager gave a presentation on the plans, there was no further update to the officer's report.

In response to questions, it was reported that there was not a condition relating to noise as it was felt that this would be neither necessary or reasonable. Should the air source heat pumps become noisy this could be dealt with by environmental health.

Following a brief debate, the Chair proposed the officer recommendation to approve the application, this was seconded by Cllr Cullwick.

Members voted six in favour with two abstentions, it was therefore:

Resolved: That the application be approved.

Reason: The proposed works would provide low carbon heating for the apartments and would not result in unacceptable harm to residential or visual amenity. The scheme is considered to comply with policies D1, ENV2, D11 and CC1 of the Local Plan.

83. Planning Appeal Performance and Decisions (6.36 pm)

The Development Manager presented a report which provided information on the planning appeal decision determined by the Planning Inspectorate between 01 October and 31 December 2024.

In response to questions from Members he confirmed that no costs were awarded on the lost appeal.

Resolved: That the report be noted.

Reason: To keep members informed of the current position of planning appeals against the council's decisions as determined by the Planning Inspectorate.

Cllr B Burton, Chair

[The meeting started at 4.30 pm and finished at 6.40 pm].

COMMITTEE REPORT

Date: 12 June 2025 **Ward:** Fulford And Heslington
Team: East Area **Parish:** Heslington Parish Council

Reference: 24/01377/FULM

Application at: 5 Main Street Heslington York YO10 5EA
For: Change of use of offices (use class E) to 25no. bed purpose-built student accommodation, erection of a single storey extension to The Hive and associated external works.

By: Miranda Lam
Application Type: Major Full Application
Target Date: 16 June 2025
Recommendation: Approve

1.0 PROPOSALThe site

1.1 The application relates to land formerly owned by the university. The site was deemed surplus to requirements and marketed for sale in 2023. The land is within the university campus, as identified in Local Plan policy ED1: Education and on the policies maps. The site comprises of 5/5a fronting Main Street, a car parking area and a mid-20th century building behind; referred to as the Hive. There is a garden area to the rear of the buildings.

1.2 The front building (no.5 / 5a) is grade II listed. It was used for storage subsequent to being sold by the university. The building behind, the Hive, was constructed in the 1960's (around the same time as the university), it is of two storey and with decorative tiled cladding to its facade. The Hive building was occupied by the Department of Swedish Studies which has been relocated on campus. The listed building was under used and the latter 20th century building deemed unfit for purpose. Both properties are in declining condition; these factors influenced the universities decision to release the site.

1.3 To each side of the site are a pair of domestic houses on the corner of Main Street / Field Lane and a public house on Main Street. The plot is also bound by residential property and a scout hut located on School Lane.

1.4 The site is within the Heslington Conservation Area. It is not in an area at risk of flooding.

The scheme

1.5 The scheme has been revised since the initial submission and public consultation. The amount of development has been reduced in that a proposed extension to the rear of the Hive building has been omitted. The scheme is now essentially conversion, apart from an approx. 6 sqm single storey extension proposed to the Hive building. The conversion would provide student accommodation with 25 bedrooms -

8 studio rooms (3 accessible)
4 clusters with 17 rooms overall

1.6 The car park would be reconfigured; it would provide 2 disabled parking bays and 1 further space. Immediately behind the boundary wall soft landscaping would be introduced.

Update following deferral at Planning Committee B 24 March 2025

1.7 The application was deferred at planning committee on 24 March 2025. The deferral was on the following grounds –

- Clarification on application of policy ED1: University of York
- Applicant to provide any further details of marketing in respect of policy EC2: Loss of Employment Land.

1.8 The site is designed as within the campus on the 2025 Local Plan Policies Map. Policy ED1 is therefore applicable to the scheme. The proposed use is policy compliant for the site when applying policy ED1.

1.9 In respect of the application of policy ED1 the Local Plans / Strategic Planning Team advise -

“Policy ED1: University of York supports the continued development of the university campus for higher education and related purposes. The policy requires that the university addresses the need for additional student accommodation arising from any expansion plans. It is expected that provision for additional student accommodation arising from future expansion is made in the first instance on campus and, where this is not possible, subsequently off-campus in line with the requirements of policy H7”.

1.10 In response to members queries (at the previous committee) about the university requirements to provide student accommodation on campus, policy ED1 is clear that the requirement applies in relation to additional need arising from expansion plans only. The university have issued annual student housing surveys to the Council. The most recent submission (for the academic year 2023/24) shows that there is not unmet housing demand policy ED1 would require the university to address.

1.11 The NPPF in paragraph 16 states (local) plans should contain policies that are clearly written and unambiguous, serve a clear purpose and avoid unnecessary duplication. Given that the April 2025 policy maps show the site as within the university campus, the principle of development is assessed against policy ED1; policy EC2: Loss of Employment Land is not applicable.

2.0 POLICY CONTEXT

2.1 The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied.
Section 6.

2.2 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. The development plan is the City of York Local Plan adopted 27 February 2025 (Local Plan). There is no adopted Neighbourhood Plan in respect of the application site.

2.3 The application site includes a listed building and is within a conservation area. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that -

- In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- In the exercise of planning functions in conservation areas special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Local Plan

2.4 The following policies are of particular relevance –

- ED1 University of York
- H3 Balancing the housing market
- D1 Placemaking
- D4 Conservation areas
- D5 Listed buildings
- CC2 Sustainable design and construction of new development
- GI2 Biodiversity and access to nature
- T1 Sustainable access

The National Planning Policy Framework (NPPF)

2.5 Sections 2 (achieving sustainable development), 5 (delivering a sufficient supply of homes), 6 (building a strong competitive economy), 8 (promoting healthy and safe communities), 12 (well-designed and beautiful places) and 16 (conserving and enhancing the historic environment) are of most relevance.

Supplementary guidance

Heslington Conservation Area Appraisal (2009)

2.6 The document was prepared in 2008 and approved by the Council on 23rd April 2009.

2.7 The site is located within the Heslington Conservation Area. The key characteristic is described as that of a planned village constructed along two roads within a rural setting. The large gardens of many of the houses provide green open spaces within the village itself. The long and narrow secluded rear gardens of the properties along Main Street are important to the rural character of the village. These areas are also particularly important havens for local wildlife within the area. The Hive is considered one of only a few isolated negative buildings within the character area due to its form and architectural design.

Heslington Village Design Statement

2.8 The document was accepted as supplementary planning guidance in April 2004. Of note section 3.2.1 planning guidelines, paragraph 5 states “The gardens and open spaces behind and between the houses are of great value to the rural charm of the Village, are important for birds and wildlife and should be retained.

There should be a presumption against the sub-division of gardens and open spaces when future planning applications are considered”.

3.0 CONSULTATIONS

INTERNAL

Affordable housing officer

3.1 Officers quote policy requirements for affordable housing set in Local Plan 2018 policy H7.

Design & Conservation – Archaeology

3.2 Advised no conditions requested following submission of revised plans.

Design & Conservation – Conservation Officer

3.3 Officers have confirmed that the revised plans address concerns initially raised in respect of internal works to the listed building.

Design & Conservation – Ecology

3.4 Officers made comment in respect of 10% biodiversity net gain (BNG). However, the revised scheme would be exempt from the 10% BNG requirement. Further to 10% BNG, conditions were requested to ensure lighting would not have an adverse effect on bats and for biodiversity enhancements; at least 2 bat boxes on the new building (note the new building is no longer proposed so this is not applicable), 3 bird boxes on a neighbouring tree and 2 bird boxes to trees.

Design & Conservation – Landscape

3.5 Objected to the original/superseded scheme due to -

- The significant risk of harm to some of the existing trees (3 trees due to the proposed rear extension to the Hive building (behind the listed building) and the cycle store proposed in front, that make a valuable contribution to the character and setting of the conservation area.
- The loss of useable garden space for the purposes of amenity and wellbeing.

3.6 Officer note – the revised scheme omits the rear extension and relocates the cycle store; the objections have been addressed.

Carbon Reduction Team

3.7 As required under policy CC2 proposals for non-residential conversions or change of use should achieve BREEAM Non-Domestic refurbishment and Fit out 'excellent' as a minimum.

Flood Risk Management

3.8 Advised on the surface water run-off rates that would be required if soakaways do not work. Officer note – comments in response to superseded plans which proposed a rear extension to the Hive. As the scheme is now a conversion no drainage details would be required.

Local plans / Strategic Planning

3.9 The advice provided in November 2024 is set out below. Officers confirmed in March 2025 that the site is within the university campus, as shown on the policies map.

3.10 Policy ED1: University of York supports the continued development of the university campus for higher education and related purposes. The policy requires that the university addresses the need for additional student accommodation arising from any expansion plans. It is expected that provision for additional student accommodation arising from future expansion is made in the first instance on campus and, where this is not possible, subsequently off-campus in line with the requirements of policy H7.

Comment from November 2024

3.11 The Council's Economic Strategy recognises the importance of protecting existing employment and commercial land that is both high and low value. It considers the planning system and Local Plan can play a large part in protecting existing employment sites by incentivising the redevelopment and enhancement of sites and buildings for employment use and stop housing uses from encroaching on our vital employment sites – using the planning system to drive the right growth. Policy EC2 requires that, in most cases, a minimum of 18 months effective marketing of the premises is undertaken. The offices are conveniently situated close to the University of York and evidence has been provided there was interest in use of the premises as offices (although they did not lead to an offer). Officers consider that the proposal as it stands is contrary to policy EC2 as 18 months marketing for an employment use has not been carried out. Once that has been completed, and if

no interest in them for an employment use can be shown, a full analysis of the marketing, interest in the property and issues should be provided as evidence.

3.12 Case officer note – EC2 is not considered applicable to the site because it is within the university campus. This was not identified in the November 2024 response. Because the scheme is on campus, it must be considered against criteria in policy ED1: University of York.

3.13 The Council is in the process of producing a Student Housing Needs assessment and acknowledges there is ongoing need for this form of accommodation in the City. As part of this process, the Council is looking at bedspaces and affordability. Preliminary bedspace analysis shows that 50% of all student bedspaces built since 2012/13 have been studio bedroom apartments. An affordability issue has been identified with studio flats not delivered/managed by the university. Advice is that schemes should not propose more than 50% of bedspaces in studio flats (which is a higher percentage than our current provision in the city) as this would be excessive and will result in affordability issues contrary to DLP 2018 policy H3.

Public Protection

3.14 Recommended conditions regarding internal noise levels and in case unexpected contamination is discovered. Recommended informative regarding construction management.

Highway Network Management

3.15 Raised issue with the cycle store and asked for the car park area to accommodate turning for a 3.5 tonne van. Conditions have been recommended.

- The proposed cycle store is too small to accommodate the required number of cycles.
- It is more than 20m from the relevant building entrance.
- No space has been identified for potential expansion.

EXTERNAL

Internal Drainage Board

3.16 Explain the policy approach towards drainage and recommend a condition to approve the drainage strategy for the site.

Heslington Parish Council

3.17 Comment as follows –

- The scheme denies a conversion of 5/5a for a local family.
- Local Plan 2018 policy H7 seeks to direct majority of student accommodation to be on the campus.
- If approved there should be appropriate site management for dealing with noise, waste management and parking controls.
- Contribution requested towards litter picking in Heslington.

NHS / Vale of York CCG

3.18 No response.

Yorkshire Water

3.19 No objection.

York Conservation Areas Advisory Panel

3.20 No objection to the proposed change of use of the site. However, the existing building had been noted as a detractor within the Conservation Area; the Panel felt that the most appropriate solution would be to remove this building and provide something more appropriate to its use and location.

4.0 REPRESENTATIONS

4.1 19 representations were made to the original scheme. Objections received were as follows -

- Extension to the Hive - Proposed extension to the Hive does not comply with the Village Design Statement, where it has been stated that gardens and open spaces behind and between houses should be retained to preserve the character of the Conservation Area.
- Car parking - insufficient car parking for residents.
- Noise – noise due to student residents.
- Preferences for an alternative scheme, including residential, for which it is considered in higher need. The amount of student accommodation proposed would unbalance the village.
- Objections consider the proposals are contrary to the Neighbourhood Plan. Officer note - the neighbourhood plan was withdrawn; it does not carry any weight in decision-making. The examiner in assessing the draft plan recommended policy HES 12 Purpose Built Student Accommodation be deleted.

5.0 APPRAISAL

5.1 The key issues are –

- Principle of proposed use
- Type of student accommodation
- Impact on heritage assets
- Design
- Ecology
- Highway network management
- Sustainable design and construction
- Open space
- Drainage
- Land contamination

Principle of the proposed use

5.2 The site is within the university campus, as identified in policy ED1: University of York and on the Local Plan Policies Map April 2025. Policy ED1 advises a range of higher education and related uses will be permitted on the University's existing campuses and these include housing for staff and students. The proposed use is policy compliant in principle.

5.3 Policy ED1 is the policy against which the principle of use is assessed. Policy EC2: Loss of Employment Land is not applicable due to the site designation in the Local Plan. The site is on the university campus and therefore policy H7: off-campus purpose-built student accommodation (PBSA) is also not applicable.

5.4 The proposed change of use is considered aligned with relevant Local Plan policies considering all material considerations. The land has been part of the university campus since the 1960's, buildings formerly used for educational purposes and storage were surplus to the universities' requirements and therefore to re-use them to provide student accommodation, for which there is evidenced need, does not conflict with the principles of section 7: Education of the Local Plan. Further to Local Plan policy the scheme involves the re-use of existing buildings. It is aligned with the NPPF in achieving the following principles (and the appropriate weight is given to these benefits in overall assessment of the scheme) –

- Section 5 – Delivering a sufficient supply of homes – paragraph 73 advises the LPA (Local Planning Authority) should support development of windfall sites and give great weight to the benefits of using suitable sites within existing settlements for homes.

- Section 11 – Making effective use of land – paragraph 125 states planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused.
- Section 14 – Meeting the challenge of climate change ... - aligned with paragraph 161 in respect of reuse of existing resources including the conversion of existing buildings.

Type of student accommodation

5.5 When applying Local Plan policy H3 the Council's most recent data suggests a need for at least 50% of student accommodation to be within clusters to ensure affordability. Policy H3 states the Council will expect developers to provide housing solutions that contribute to meeting York's housing needs, as identified in the latest Local Housing Needs Assessment (LHNA) and in any other appropriate local evidence. New residential development should therefore maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities.'

5.6 PBSA provision contributes to providing housing solutions for the student population but should also provide a mix of properties to support sustainable communities in line with policy H3. Studio flats and their higher costs result in a less affordable option and do not contribute to the mixed and inclusive communities as required by policy. Just over 50% of bedrooms in built PBSA provision has been in studio flats. Evidence shows studio flats are considerably more expensive (between £190-£255 per week for cluster accommodation compared to £175-£414 for studio rooms).

5.7 The scheme provides a mix of studio and cluster accommodation. 68% of the accommodation would be in cluster type accommodation. The scheme is compliant with the preferred approach to accommodation on affordability grounds and to maintain a reasonable mix of tenures.

5.8 There is no local evidence base or policy in respect of the number of accessible type rooms to be provided within PBSA. A minimum of 5% has typically been sought by officers as this is aligned with national recommendations in Building Regulations. The scheme includes 3 accessible rooms which is just over 7%.

Impact on heritage assets

5.9 In respect of conservation areas Local Plan policy D4 advises development proposals within or affecting the setting of a conservation area, will be supported where they:

- are designed to preserve or enhance those elements which contribute to the character or appearance of the Conservation Area
- would enhance or better reveal its significance or would help secure a sustainable future for a building; and
- safeguard important views guided by existing evidence, including in the York Central Historic Core Conservation Area Appraisal, and other local views.

5.10 Local Plan policy D5 relates to listed buildings and states proposals affecting a Listed Building or its setting will be supported where they preserve, enhance or better reveal those elements which contribute to the significance of the building or its setting. The approach if harm to significance is identified is consistent with the requirements in the NPPF; harm or substantial harm to the significance of a Listed Building or its setting will be permitted only where this is outweighed by the public benefits of the proposal. In making an application, it should be accompanied by an appropriate, evidence based heritage statement, sufficient to understand the potential impact of the proposal on the significance of the building.

Significance

5.11 No 5 Main Street is a typical early-mid 18th century village house with agricultural buildings attached to the rear. These buildings are listed at grade II. They are listed for their special historic significance to the village as a former agricultural community and for their fortuitous aesthetic significance as good examples of local vernacular architecture. To the rear of the site, The Hive is a substantial independent flat roofed mid-20th century building with a parking courtyard in front. The Hive would not be regarded as a curtilage listed building due to its date of construction, after July 1948, and its lack of historic and architectural association with the frontage building.

5.12 The Hive is considered uncharacteristic of the conservation area as it expresses its system-built construction in alternative vertical panels of windows and solid cladding under a flat roof. The Heslington Conservation Area appraisal (April 2009) identifies it as making a negative contribution to the character and appearance of the conservation area by virtue of its unsympathetic form and design.

Impact on significance

- Listed building

5.13 The revised scheme for 5/5a respects the floorplate and plan form of the building and follows the advice provided by the Council's Design and Conservation Officer. The external works would remove cement render over a section of the brickwork (a later intervention), which is assumed to be contributing to a damp issue

and provide for ventilation / ongoing maintenance. All works to the exterior are necessary for ventilation and are consistent with the energy efficiency, health and condition of the building. The works are minor, generally sympathetic and justified. Internally additional sub-division is only proposed at first floor level, in the rear room. The room is of lesser significance compared to others (being a first floor rear room) and it has already been sub-divided. The overall plan form would remain legible. The proposals enable re-use of the building without harm to its significance.

- Conservation area

5.14 The revised scheme reduces the size of the existing car park which is prominent in the street scene. This alteration is enabled due to the proposed use. Soft landscaping in this area will enhance the character and appearance of the conservation area. The scheme is also conversion only (only a small 6 sqm side extension to the Hive is proposed) and so there would be no material or undue loss of landscaped / garden area.

5.15 The Hive will be provided with replacement windows to improve the buildings energy efficiency. The windows are of sympathetic proportions and good quality materials. The cladding panels between windows and white painted eaves detail at the top of the building will be replaced, overall due to the external materials and their texture and colouring the building will be more discreet in its setting. The works will not harm the conservation area. The proposals are aligned with Local Plan policy D4 because –

- The scheme would preserve elements which contribute to the character or appearance of the Conservation Area.
- The scheme would secure a sustainable future for buildings on-site.
- There is no material impact on important views (guided by existing evidence, including in the York Central Historic Core Conservation Area Appraisal, and other local views).

Archaeology

5.16 Officers have confirmed due to the small size of the extension proposed no archaeology conditions are necessary.

Design

5.17 Local Plan policy D1: Placemaking states development proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significances of the historic environment. Development proposals that:

- fail to take account of York's special qualities,; and/or
- fail to make a positive design contribution to the city, and/or
- cause damage to the character and quality of an area will be refused.

5.18 In respect of such matters the policy provides advice on urban structure and grain, density and massing, streets and spaces, building heights and views and character and design standards.

5.19 NPPF paragraph 135 asks that planning decisions should ensure that developments:

- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- Are visually attractive and sympathetic to local character.
- Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).
- Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

5.20 The scheme is a conversion. The works include new soft landscaping to the frontage, upgraded windows to the Hive, investigation as to whether exposed brickwork can be reinstated to the side elevation of the listed building and bin / cycle storage in discreet locations. The works will have a minor beneficial impact on visual amenity and comply with the design and environmental objectives of the NPPF in re-using existing buildings and enhancing their environmental performance.

5.21 The revised plans do not include an extension at the rear of the Hive; the extension would have lead to the loss of what would be outside amenity space and tree loss. The scheme does not conflict with Local Plan policy D1 and in particular it adheres with the character and design standards in that it proposes sympathetic restoration to the listed building; provides inclusive access and accessible rooms; reduces the visual impact of car parking and it improves the energy efficiency and sustainability of existing buildings.

Safe & inclusive / Secure by design

5.22 The scheme includes an office for staff on-site and cycle storage will be covered and secure. The application is change of use of existing buildings only. The proposals do not raise any issues in terms of secure by design.

5.23 Three accessible rooms are provided (of the 25). This exceeds the expected minimum of 5%. Car parking spaces will be provided for disabled persons. The scheme has 3 spaces; 2 for disabled parking and 1 for staff/servicing/deliveries.

Health & wellbeing

5.24 Of the proposed accommodation 8 of the rooms are studio type rooms, the rest are in cluster type accommodation. The 3 accessible rooms are studio type. There is a communal room in the Hive. The layout and room sizes are influenced by the fact that the scheme involves the conversion of existing buildings. Each room is of sufficient size and has adequate natural daylight. The amount of outside amenity space accords with the recommended provision in Local Plan policy GI6 - New open space provision (see section on open space at 5.38).

Ecology

5.25 Local Plan policy GI4 Trees and Hedgerows advises on the value of the existing tree cover and hedgerows, their biodiversity value, the contribution they can make to the quality of a development, and its assimilation into the landscape context. The scheme has been revised to the extent that it is compliant with the policy as the scheme is consistent with the retention of trees on the site.

5.26 NPPF paragraph 187 states planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs.

5.27 The scheme has been revised and no longer proposes an extension to the building at the rear of the site (the Hive). The development is exempt from statutory 10% Biodiversity Net Gain.

5.28 The scheme is supported by a Preliminary Ecology Report (Pinfold Ecology and Design dated August 2024) which makes recommendations for biodiversity enhancement; the installation of bat and bird boxes. As such the scheme would accord with NPPF paragraph 187.

Transport

5.29 Local Plan policy T1: Sustainable Access advises development will be permitted where it minimises the need to travel and provides safe, suitable and attractive access for all transport users including those with impaired mobility, such that it maximises the use of more sustainable modes of transport. This will be

achieved by ensuring developments that can be reasonably expected to generate significant traffic movements are supported by frequent high quality public transport linking them to York's City Centre and other key destinations, as appropriate; requiring development proposals to demonstrate safe and appropriate access and links to local services; give priority to pedestrians and cyclists and create safe layouts.

5.30 There are no parking standards or recommendations in the Local Plan. Policy T8: Demand Management advises standards will be contained in forthcoming guidance. The standards would be within the context of policy T8 which is intended to reduce congestion, minimise private vehicle trips and car ownership and promote sustainable travel. It is well established, through consideration of other PBSA schemes, that they are essentially car free. Where necessary and practical, provision is made for servicing/deliveries and disabled car parking spaces are provided.

5.31 The proposals are compliant with policy T1 in that the site is within walking distance of a frequent bus service and the university. The use and proposals are consistent with policies T1 and T8 in being conducive to minimising congestion, promoting sustainable travel and accommodating persons with impaired mobility (the site has a safe and suitable pedestrian access and provides over-sized cycle parking and parking for a blue badge holder).

5.32 The cycle store would be located at the rear of the Hive building. The store was relocated to the rear in the interests of the character and appearance of the conservation area and to avoid conflict with trees. The dimensions of the store will be controlled by condition and will provide space for over-sized cycles. A travel plan can also be secured through condition, which would trigger installation of additional cycle spaces subject to demand. It will be covered and secure and provide 24 spaces, 4 of which being for over-sized cycles. The provision is sufficient for the scheme, taking into account recommendations in national guidance – Cycle Infrastructure Design LTN1/20 for cycle parking and accessible cycle parking.

5.33 Car parking – government statistics on blue badge holders suggests that less than 1% of occupants would be blue badge holders. Two disabled car parking spaces are proposed (5% of the total bedrooms); this is considered sufficient.

5.34 The site benefits from existing access; no changes are proposed to this extent. Servicing requirements would not be materially different compared to the previous site use. There are no issues in respect of access and servicing.

Sustainable design and construction

5.35 Part C of Local Plan policy CC2 relates to conversions. It requires changes of use (non-residential applies to PBSA) achieve BREEAM Non-domestic refurbishment and fit-out excellent rating as a minimum. Proposals relating to heritage assets should demonstrate the maximum BREEAM score that can be achieved having balanced issues of significance and value to the historic environment with wider benefits to the economy and to the environment as appropriate. These requirements will be secured by conditions for the two buildings.

Open space

5.36 Local Plan policy GI6 New open space provision states residential development proposals should contribute to the provision of open space for recreation and amenity in accordance with current local standards and using the Council's up to date open space assessment. It states off-site provision will be considered acceptable if the proposed development is of insufficient size in itself to make appropriate provision. The background text advises the relevant standards are the Open Space and Green Infrastructure (2014) and Update (2017).

5.37 The amount of amenity space on-site exceeds 1,013 sqm and therefore provides the amount of amenity space required when applying figures from the Open Space and Green Infrastructure Update (2017). According to the Council's evidence base, the ward has a surplus of outdoor sports provision.

Land contamination

5.38 The site has had no previous industrial type uses and there is no evidence the buildings and gardens would require any remediation. A standard condition can establish the procedure should unexpected contamination be identified.

6.0 CONCLUSION

6.1 In principle the scheme is regarded policy compliant. The site is designed as part of the university campus in the adopted Local Plan and the relevant policy ED1 advises student housing will be permitted on campus. The scheme also has the following benefits -

- It involves re-use of what were redundant university buildings to contribute towards meeting evidenced student housing need, in a sustainable location. The scheme accords with the sustainable development and environmental objectives of the Local Plan and NPPF; the reuse and environmental improvement of existing buildings is aligned with the objective to minimise waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

- The proposals preserve and better reveal the significance of a listed building and would bring it into a sustainable new use, consistent with its conservation, improving its environmental performance and addressing defects which are causing the building to deteriorate. The proposals are beneficial in respect of the impact on the listed building. The scheme (as revised) does not harm the significance of heritage assets.

7.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 Approved plans

The development hereby permitted shall be carried out in accordance with the following plans:-

Plans LTD299

01 - location plan

16J - Site plan and proposed elevations for 5/5a

14C - Floor plans for 5/5a

10D and 12F - Floor plans and elevation for the Hive

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

- 3 The hive external works

The external works to the hive, as shown on drawing 12F, shall be completed in full prior to first occupation of the building.

New hanging tiles shall be to reasonably match the existing tiles in all respects.

Typical section details for new and replacement doors and windows, shown in context, shall be submitted to the Local Planning Authority prior to the commencement of such works. The development shall be carried out fully in accordance with the approved details thereafter.

Reason: In the interests of the character and appearance of the conservation area.

- 4 Landscaping

The development shall not be occupied until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. The scheme shall include at least one tree in the proposed new planting bay (where the car park is currently) and seating within the grounds which is of inclusive design.

The approved scheme shall be implemented within a period of six months of the completion of the development and retained for the lifetime of the development. Any trees or plants which are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site in the interests of the character and appearance of the area and so that new planting becomes established (the site is in the conservation area and note that any tree works would therefore require consent).

5 BREEAM (listed building)

Prior to commencement of construction details shall be submitted of a scheme which shall illustrate the maximum BREEAM score that can be achieved for the building identified as 5 Main Street (the listed building) on the approved plans having balanced issues of significance and value to the historic environment with wider benefits to the economy and to the environment as appropriate. The development shall be fully carried out in accordance with the approved details.

Reason: In accordance with policy CC2; to ensure that all new developments achieve high standards of sustainable design and construction, by minimising greenhouse gas emissions, using resources efficiently, enhancing climate change resilience and promoting health and wellbeing.

6 BREEAM

The building identified as 'the Hive' on the approved plans shall achieve a BREEAM Non-Domestic refurbishment and Fit out 'excellent' rating as a minimum.

Prior to commencement of construction a pre-assessment statement shall be issued to demonstrate the scheme is able to achieve compliance. A post construction certification to evidence the required BREEAM rating has been achieved shall be issued to the local planning authority within 6 months of first occupation.

Reason: In accordance with policy CC2; to ensure that all new developments achieve high standards of sustainable design and construction, by minimising greenhouse gas emissions, using resources efficiently, enhancing climate change resilience and promoting health and wellbeing.

7 Noise

No development shall take place until a detailed scheme of noise insulation measures for protecting the approved bedrooms from externally generated noise has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and completed in full prior to first occupation of the relevant building.

During the night-time (23:00-07:00 hours) bedrooms shall achieve internal noise levels of no greater than 30 dB LAeq (8 hour). LAFMax level should not exceed 45dB(A) on more than 10 occasions in any night-time period and should not regularly exceed 55dB(A). These noise levels shall be observed with all windows open or if necessary windows closed and other means of ventilation provided.

Reason: To protect the amenity of people living in the new property from externally generated noise and in accordance with the NPPF sections 12 and 15.

8 External lighting plan (bats)

Prior to the installation of any new external lighting, a 'Lighting Design Plan' shall be submitted to and approved in writing by the local planning authority. The plan shall detail –

- a) Specified lighting in-line with current guidance - Bat Conservation Trust (2023) Bats and Artificial Lighting at Night: <https://theilp.org.uk/publication/guidancenote-8-bats-and-artificiallighting/>
- b) Demonstrate how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications), clearly demonstrating where light spill will occur, both within and outside the site boundary.

The development shall be fully carried out in accordance with the approved Lighting Design Plan.

Reason: To maintain the favourable conservation status of bats and ensure the site remains attractive to other light sensitive species in accordance with NPPF section 15.

9 Biodiversity Enhancements

Prior to first occupation of the development hereby permitted a biodiversity enhancement scheme shall be submitted to the local planning authority and the approved scheme shall be fully implemented. The scheme shall include, but not be limited to, the erection/installation of at least 3 bat boxes and at least 2 bird boxes on the buildings on site or adjacent trees on site. (Suitable examples of bat boxes are included in Appendix A of the Preliminary Ecology Report (Pinfold Ecology and Design August 2024)).

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with section 15 of the NPPF to contribute to and enhance the natural and local environment by minimising impacts on, and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures.

10 Site management

The development shall not be occupied until a management and occupation plan for the site has been submitted to and approved in writing by the Local Planning Authority. The development shall operate in accordance with the approved management and occupation plan at all times.

The plan shall detail the following -

- Single occupancy only for the bedrooms within cluster accommodation.
- Management and maintenance of servicing and waste collection facilities.
- Arrangements for managing waste collection (it is noted that a private waste collection service is required because the bin stores are of inadequate size based on Council standards).
- Provision of staff on-site.
- Management in the interests of avoiding noise disturbance (including use of external areas).
- Ongoing management and maintenance of landscaping and open space - Strategy for dealing with any complaints from the public.
- Student tenancy agreements to include clauses relating to anti-social behaviour and prevention of car ownership for non-blue badge holders.
- Arrangements for minimising disturbance during arrival/departure at beginning and end of term time. This shall include details of the site operators responsibilities in terms of co-ordinating arrivals and departure times for residents and the associated policing operations on-site / preventing indiscriminate parking locally.

Reason: In the interests of amenity and highway safety and in accordance with policy H7.

11 Cycle and bin storage

The development shall not be occupied until the cycle and bin storage has been fully provided.

The cycle parking enclosure to the rear of the Hive shall be provided with lighting, be covered and secure and provided with sheffield type stands. It shall be at least 6 metres in width and the access aisle width and entrance shall be at least 1.8m wide. The sheffield stands shall be spaced at least 1m apart

The facilities shall be retained for such storage use at all times.

Reason: To promote sustainable transport and in the interests of good design in accordance with section 9 of the NPPF.

12 HWAY19 Car and cycle parking laid out

The development shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

13 Restriction of use

The development hereby approved shall be used only as student housing accommodation. No person other than a student registered with, and engaged in, a course of full time further or higher education or a delegate registered with and attending a part time educational course within the City of York administrative boundary shall occupy any part of the development at any time.

Reason: In accordance with policy H7 and for the avoidance of doubt and in order to control the future occupancy of the development, as otherwise the development would involve other requirements in order to be NPPF compliant, such as the inclusion of affordable housing.

14 Communal uses

The communal amenity space for occupants shall be provided in accordance with the approved floor plans and site plan prior to first occupation and retained for communal uses at all times.

Reason: In the interests of good design and amenity.

15 Unexpected contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

16 Obscure glazed windows

The first floor windows on the northwest facing elevation, on the rear wing of no.5 Main Street (to the corridor and bedroom 33 as shown on the approved floor plans) shall be obscure glazed at all times.

Reason: to avoid undue overlooking of neighbouring gardens, in accordance with Local Plan policy D1: Placemaking.

8.0 INFORMATIVES:

Notes to Applicant

1. Construction management

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works, and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(f) There shall be no bonfires on the site

2. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

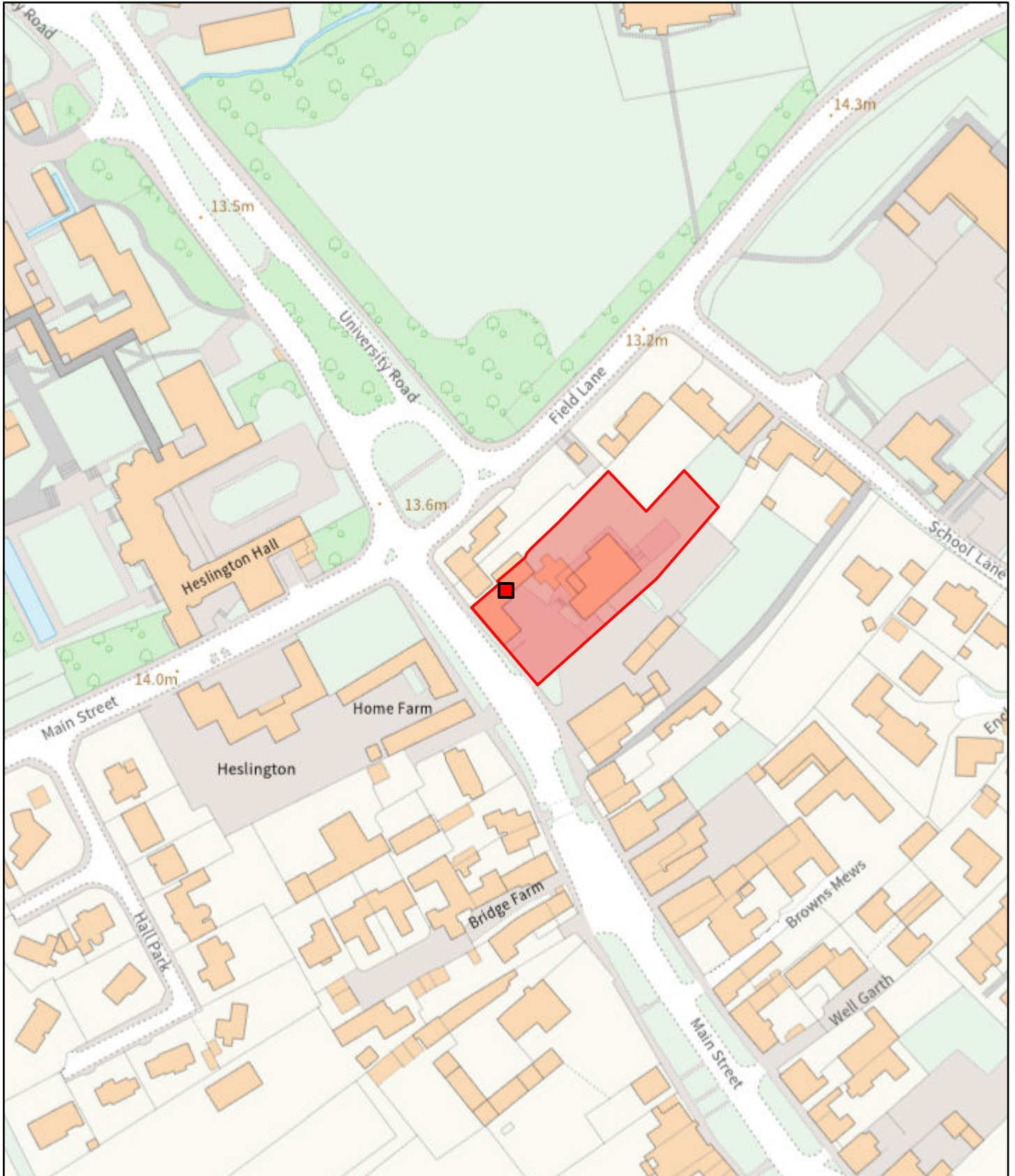
In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 39) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome: sought revised plans to address issues relating to heritage assets and cycle parking and through the use of planning conditions.

Contact details:

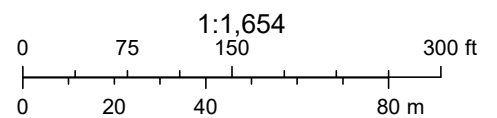
Case Officer: Jonathan Kenyon

Tel No: 01904 551323

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Planning Committee B

24/01377/FULM and 24/01378/LBC

5 Main Street Heslington

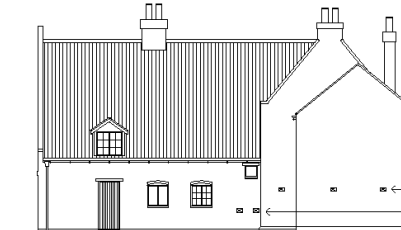
No.5
Site Plan and Elevation



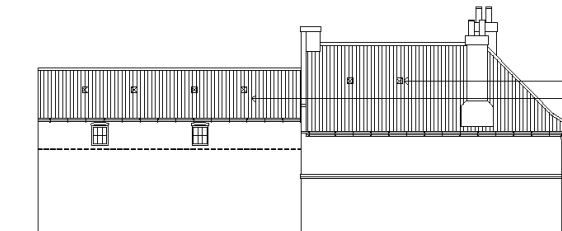
1. Proposed South East Elevation



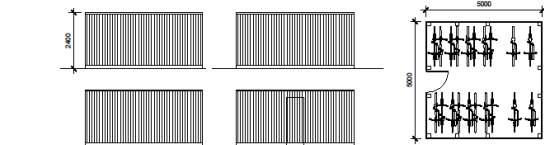
2. Proposed South West Elevation



3. Proposed North East Elevation



4. Proposed North West Elevation



5. Proposed Cycle Store Plans and Elevations 1:100

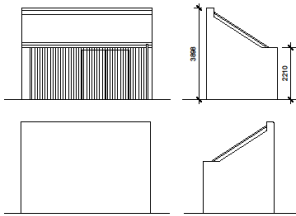
EXTERNAL WORKS TO LISTED BUILDING:

EXISTING RENDER TO FRONT AND SIDE ELEVATION: Existing cement render to be removed to expose brickwork under for inspection. If brickwork is too badly damaged to be repaired, affected area to be rendered using breathable lime based mix.

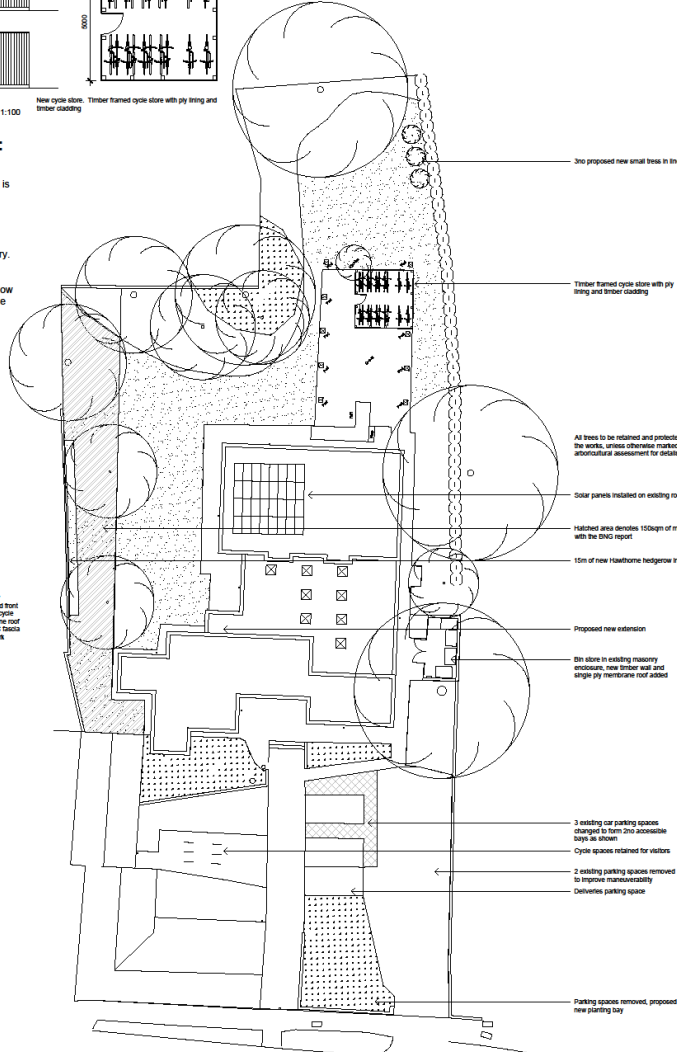
DOORS: All external doors to be retained and refurbished.

WINDOWS: All existing windows to be retained and refurbished as necessary. New conservation style roof light AOV to location shown on the elevations.

VENTILATION: New clay air bricks to locations shown on elevations. New low profile roof tile vents to the roof, to match roof tile colour. All vents kept to the rear elevations where possible.



6. Proposed Bin Store Plans and Elevations 1:100



7. Proposed Site Plan

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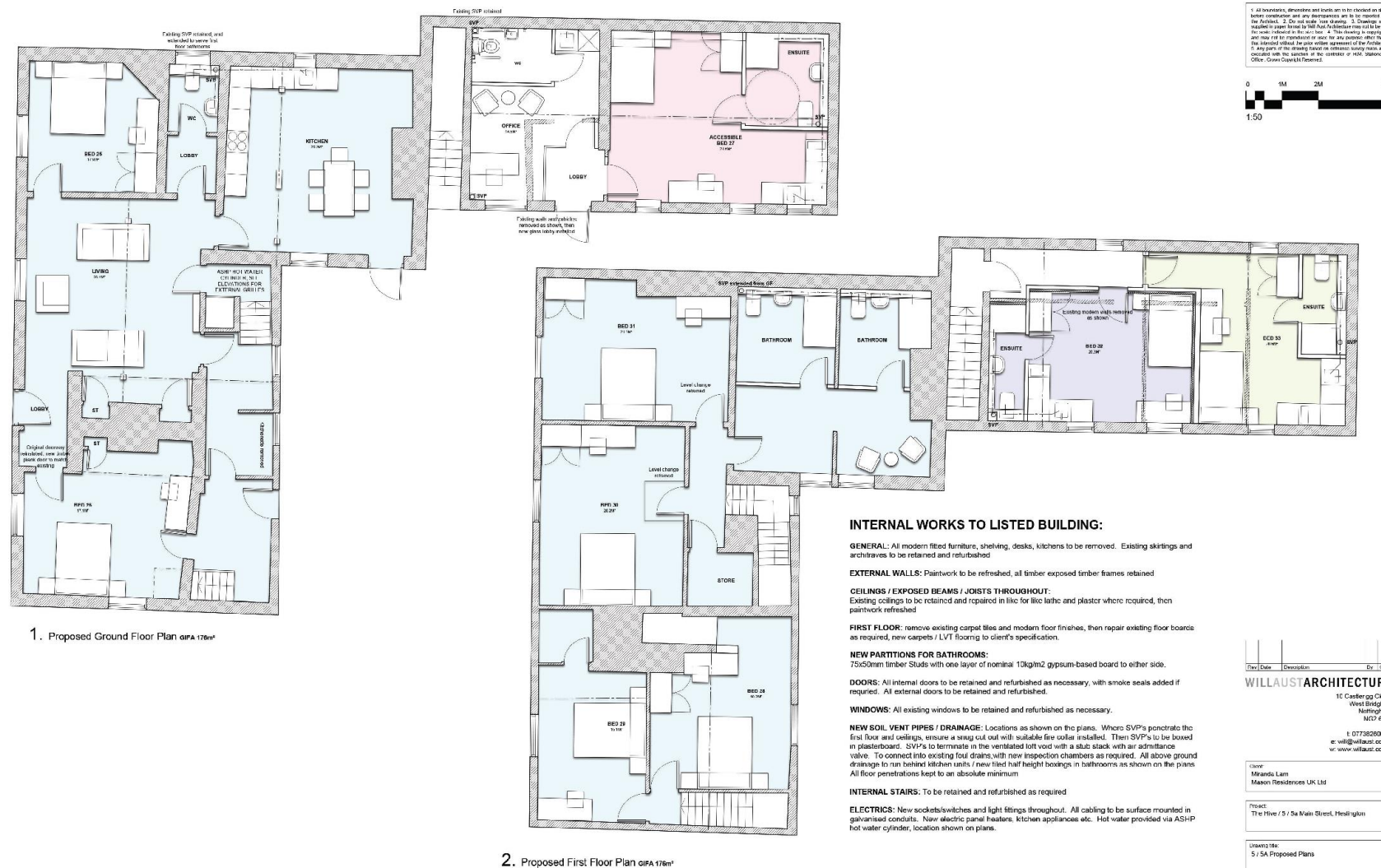
Project:
The Hive / 5 / 5a Main Street, Heston

Drawing title:
5 / 5a Proposed Elevations / Site Plan

Scale(s)	Size	Print Date	Drawn
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Job no	Drawing no	Rev	
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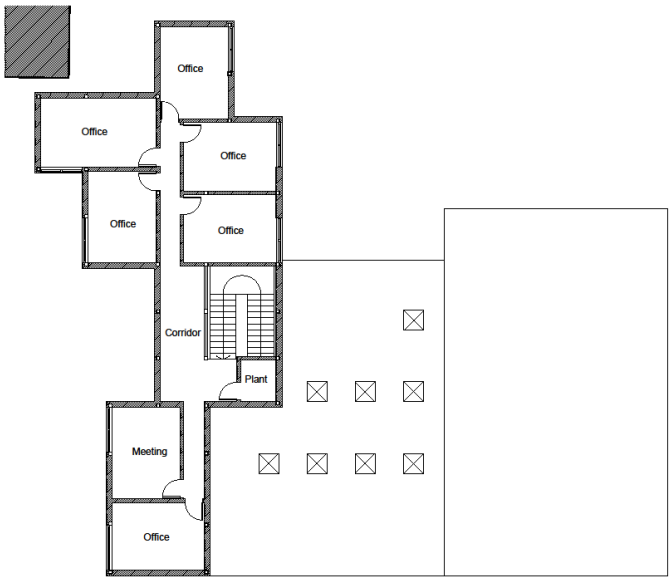
PLANNING

No.5 Floor Plans

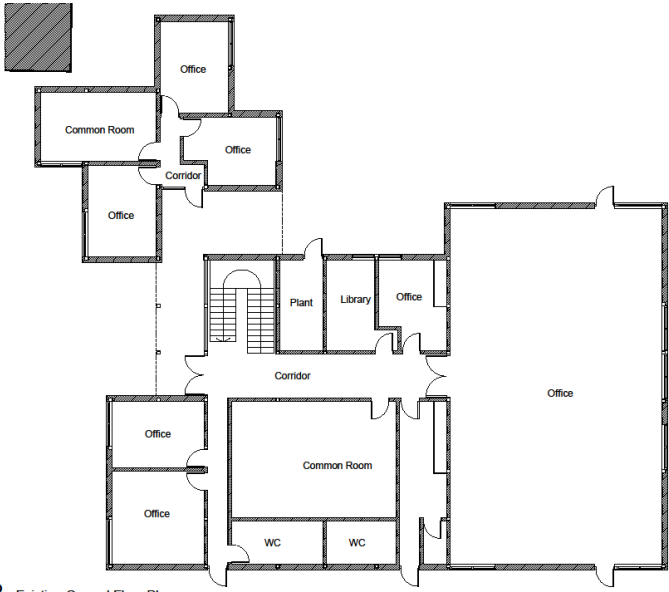


The Hive

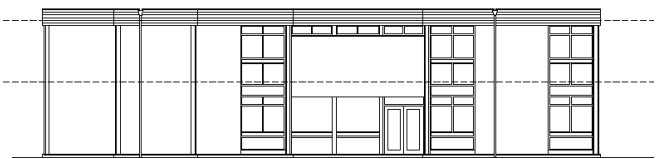
Existing Plans and Elevations



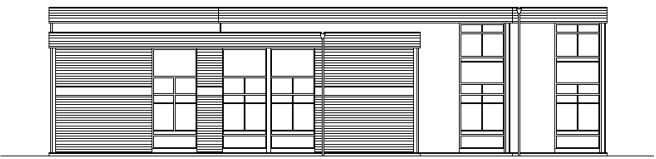
1. Existing First Floor Plan



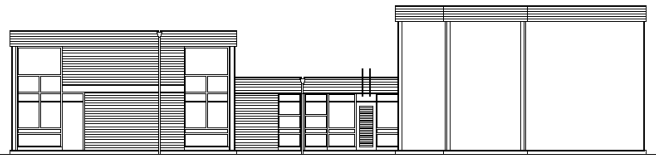
2. Existing Ground Floor Plan



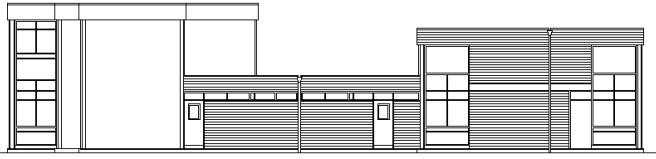
3. Existing South West Elevation



4. Existing North East Elevation

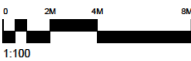


5. Existing North West Elevation



6. Existing South East Elevation

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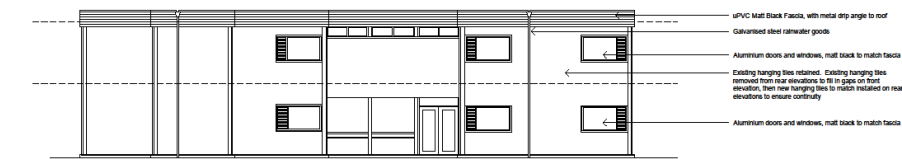
Drawing title:
Hive - Existing Plans and Elevations

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Job No.	Drawing No.	Rev.	
LTD299	08	A	

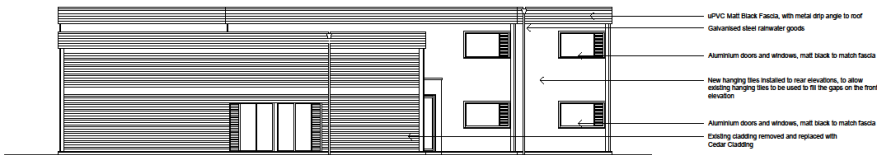
PLANNING

The Hive

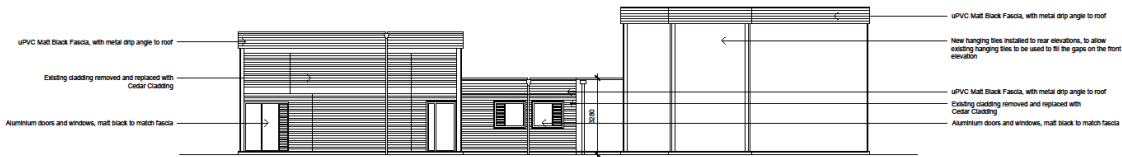
Proposed elevations



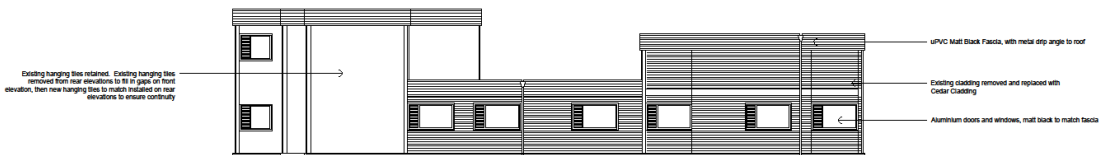
1. Proposed South West Elevation



2. Proposed North East Elevation

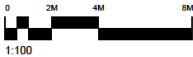


3. Proposed North West Elevation



4. Proposed South East Elevation

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Mason Residences UK Ltd

Project:
The Hive / 5 / 5a Main Street, Heslington

Drawing title:
Hive - Proposed Elevations

Scale:	Size:	Print Issue:	Drawn:
1:100	A1	28.06.24	
Job No:	Drawing No:	Rev:	
LTD299	12	F	

PLANNING

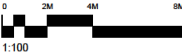
The Hive
Floor Plans



1. Proposed Ground Floor Plan : GFA 488m²

2. Proposed First Floor Plan : GFA 223m²

1. All boundaries, dimensions and levels are to be checked on site before construction and any discrepancies are to be reported to the Architect. 2. Do not scale from drawing. 3. Drawings not supplied in paper format by Willaust Architecture may not be used in the same manner as the original drawings. 4. This drawing is copyright and may not be reproduced or used for any purpose other than the intended purpose for which it was prepared without the written agreement of Willaust Architecture. 5. Any parts of the drawing based on information supplied by others are indicated with the notation of the supplier or other. Willaust Office - Crown Copyright Reserved.



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Drawing title:
Hive - Proposed Plans

Scale(s)	Size	Print Issue	Drawn
1:100	A1	28.06.24	
JOB NO	Drawing No	Rev	
LTD299	10	D	

PLANNING

COMMITTEE REPORT

Date: 12 June 2025 **Ward:** Fulford And Heslington
Team: East Area **Parish:** Heslington Parish Council

Reference: 24/01378/LBC
Application at: 5 Main Street Heslington York YO10 5EA
For: Internal and external alterations to facilitate change of use of offices (use class E) to purpose-built student accommodation.
By: Miranda Lam
Application Type: Listed Building Consent
Target Date: 27 March 2025
Recommendation: Approve

1.0 PROPOSALThe site

1.1 The application relates to land formerly owned by the university. The site had been part of the university campus, it was deemed surplus to requirements and marketed for sale in 2023. The site comprises of 5/5a fronting Main Street, a car parking area and a mid-20th century building behind; referred to as the Hive. There is a garden area to the rear of the buildings.

1.2 The front building (no.5 / 5a) is grade II listed. It was used only for storage subsequent to it being sold by the university. The building behind is a mid-20th century office building of two storey and with decorative tiled cladding to its facade; it is not regarded as a listed building. The site is within the Heslington Conservation Area.

The scheme

1.3 Applications for listed building consent and full planning permission (24/01377/FULM) have been made for the site. The scheme has been revised since the initial submission in response to comments regarding the listed buildings significance, its condition and its setting. The layout of 5/5a has been revised to respect the historic plan form and works to address damp and other issues included in the scheme. The overall scheme has been revised and as such -

- The amount of development has been reduced in that a proposed extension to the rear of the Hive building has been omitted.
- The car park would be reconfigured; it would provide 2 disabled parking bays and 1 further space. Immediately behind the boundary wall soft landscaping would be introduced.

2.0 POLICY CONTEXT

2.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

2.2 The Local Plan was adopted 27 February 2025. Policy D5 relates to listed buildings and states proposals affecting a Listed Building or its setting will be supported where they preserve, enhance or better reveal those elements which contribute to the significance of the building or its setting. The approach if harm to significance is identified is consistent with the requirements in the NPPF; harm or substantial harm to the significance of a Listed Building or its setting will be permitted only where this is outweighed by the public benefits of the proposal. In making an application, it should be accompanied by an appropriate, evidence-based heritage statement, sufficient to understand the potential impact of the proposal on the significance of the building.

2.3 Policies explaining the approach to dealing with listed building consent applications is set out in section 16 of the NPPF: Conserving and enhancing the historic environment and Local Plan 2018 policy D5: Listed Buildings.

2.4 NPPF paragraph 208 states “local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal”. Paragraph 213 goes on to advise that “any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction,

or from development within its setting), should require clear and convincing justification”.

3.0 CONSULTATIONS

Design & Conservation

3.1 Officers objected to the original scheme, which proposed 9 en-suite bathrooms in the listed building. The officer advised that ground floor rooms and the front rooms on the first floor were of highest significance. There was objection to the insertion of en-suite bathrooms into these rooms. The subdivision into small individual units would cause a high degree of harm to the significance of what is a largely unaltered farmhouse, it would destroy the understanding of the original pattern of movement and circulation around the property, and the relationship spaces had to each other.

3.2 Revised plans were issued in response to comments from officers and the layout now addresses concerns raised on a room-by-room basis. En-suites are only to be inserted into the first floor room of lowest significance. Revised elevations also confirm an appropriate finish to wall and roof vents. Proposals to address damp due to cement render to the exterior and the lack of window cills has been addressed in the revised scheme. The initial objection no longer applies.

Historic England

3.3 No advice offered. Recommended officers seek views of internal consultees.

Heslington Parish Council

3.4 Comment as follows on original scheme –

- The scheme denies a conversion of 5/5a for a local family.
- Local Plan 2018 policy H7 seeks to direct majority of student accommodation to on the campus.
- If approved there should be appropriate site management for dealing with noise, waste management and parking controls.
- Contribution requested towards litter picking in Heslington.

4.0 REPRESENTATIONS

4.1 Six representations in objection to the listed building consent application have been made.

York Conservation Areas Advisory Panel

4.2 York Conservation Areas Advisory Panel - No objection to the proposed change of use of the site. However, the existing building (the Hive at the rear of the site) had been noted as a detractor within the Conservation Area; the Panel felt that the most appropriate solution would be to remove this building and provide something more appropriate to its use and location.

Heslington Village Trust

4.3 Raised the following concerns -

- The amount of accommodation proposed will not meet demand.
- Preference for an alternative scheme for affordable housing.
- Reference to neighbourhood plan; however this has been withdrawn.

4.4 Other objections – these are detailed in the companion full planning application. They are concerned with matters not directly related to the proposed works to the listed building and the impact on significance. The objections refer to car parking and noise issues, preference for a different type of development at the site, and the withdrawn neighbourhood plan.

5.0 APPRAISAL

Key Issues

5.1 The key issue is the impact on the significance of the listed building and in considering potential impacts whether any harm to the significance of the Listed Building or its setting is identified. Harm will be permitted only where this is outweighed by the public benefits of the proposal.

Significance

5.2 No 5 Main Street is a typical early-mid 18th century village house with agricultural buildings, from a later phase of development, attached to the rear. These buildings are listed at grade II. They are listed for their special historic significance to the village as a former agricultural community and for their fortuitous

aesthetic significance as good examples of local vernacular architecture. The office building at the rear of the site is not regarded as a curtilage listed building due to its age.

5.3 There is a fairly high survival rate internally in 5/5a. The baffle entry arrangement of primary entrance with large central fire stack and much of the original plan form is retained, complete with historic timber framing. There are fireplaces and what appear to be some original (or at least historic) doors (plank doors with strap hinges, panelled doors at ground level, either side of inglenook fireplace, and also into proposed bedroom 25). Many of the windows contain historic glass.

5.4 Parts of the historic timber frame of the roof structure are visible within rooms. The listed property is 'L' shaped, with a two-storey attached addition at the rear (assumed to have been an agricultural building at some point). The rear roof slope of the main house forms a catslide that has been raised slightly at some point in the building's history.

Impacts on significance

Plan form

5.5 The frontage L-shaped building is of highest importance and the scheme has been revised to preserve the ground floor layout. At first floor only the back room would receive additional partitions to accommodate bathrooms. These works to install bathrooms allow all other rooms to retain their original form. The first floor room where sub-division is proposed was described by the conservation officer of moderate significance. The officer advised the room appears altered; the historic wall below retained beam has been lost, but modern partition inserted later, though leaving an uncharacteristically wide full height opening without a door. This room was described as one which offers potentially more scope for alteration and subdivision. The minor level of alteration to this room would still allow the plan form to be appreciated overall and is not regarded to be harmful to significance.

5.6 The rear wing is assumed to be a later addition, originally for agricultural use, sub-divided at a later date to enable its re-use. The historic layout and means of circulation would be preserved. New partitions cause no more harm compared partitions previously installed in this section of the building and do not harm significance.

Other works

5.7 Additional works are required to facilitate re-use, to improve energy efficiency, and address fire and safety, repair needs, and existing damp issues. The revised scheme responds to comment from the Design and Conservation Officer in respect of the approach to repairs and addressing damp. These works are beneficial; they improve environmental performance, allow re-occupation, and address the deteriorated condition of the building in a sensitive way.

Doors and windows

5.8 Smoke seals will be added to doors if required and secondary glazing, on fire safety and energy efficiency grounds. Such works are justified and regarded as generally acceptable by Historic England (in their advice note regarding energy and carbon efficiency) and would not be harmful in this case.

Soil and ventilation

5.9 Minor works are required to provide waste pipes to new bathrooms, and for ventilation to the roof and walls. The works are justified; the number of new bathrooms would be minimal, and ventilation is in the interests of the building's good health. The siting and design of these components is sympathetic; to minimise visual impact. New bathrooms are in rooms of lesser significance. Pipework will be internal and boxed-in. External vents will be small in scale, located away from the primary elevation and coloured to blend in. The works would not harm the building's significance.

External works

5.10 Works to address damp are proposed as recommended by the Design and Conservation officer -

- Render – it is assumed the existing (modern) cement render on the exterior is causing damp issues. The application acknowledges the issue and proposes removal. The brickwork will be exposed if it is in suitable condition, if not, a breathable lime-based render would be applied. The works would be consistent with the building's conservation.

- Window cills are proposed to avoid water ingress and have been recommended by the Design and Conservation Officer. A schedule of works and large-scale typical details are required to ensure the works are sympathetic.

Photographic recording

5.11 A recording of the building will be required following good practice as advocated in NPPF paragraph 218; to advance understanding of the building and its significance. It will also be required that existing partitions and detailing are preserved when accommodating new partitions.

6.0 CONCLUSION

6.1 The scheme does not conflict with Local Plan policy D5 as no harm to significance has been identified. The proposals are desirable in reverting the building back to its original domestic use; it is in accordance with NPPF paragraph 210 which states that “in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation”.

6.2 The scheme has been revised to address officer concerns in respect of impact on the original plan form. It will address existing issues with the building in a sympathetic way. The works to accommodate re-use, in terms of energy efficiency and fire safety are also sympathetic. The works adhere with NPPF paragraph 213 in that they have clear and convincing justification. No harm to significance has been identified and there is therefore no conflict with NPPF policy on heritage assets. It is recommended consent be granted subject to conditions.

7.0 RECOMMENDATION: Approve

1 TIME L2 Development start within 3 yrs (LBC/CAC)

The development shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

2 Approved plans

The development hereby permitted shall be carried out in accordance with the following plans:-

Plans LTD299 -

01 - location plan

16J - Site plan and proposed elevations for 5/5a

14C - Floor plans for 5/5a

10D and 12F - Floor plans and elevation for the Hive

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 Large scale details

Prior to commencement of construction the following large-scale details (to include section drawings) and manufacturers details of the external materials shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details.

- a) New timber window cills.
- b) Rooflight (to be conservation type) to rear elevation.

Reason: In the interests of the significance of the listed building.

4 Building recording

Prior to works within 5/5a a room schedule of each room, highlighting the internal fabric of significance (supplemented with photos) and a strategy for their repair and retention shall be submitted to the local planning authority for approval. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the significance of the building and to enable the scheme to be compliant with the presumption in favour of sustainable development as set out in NPPF paragraph 11.

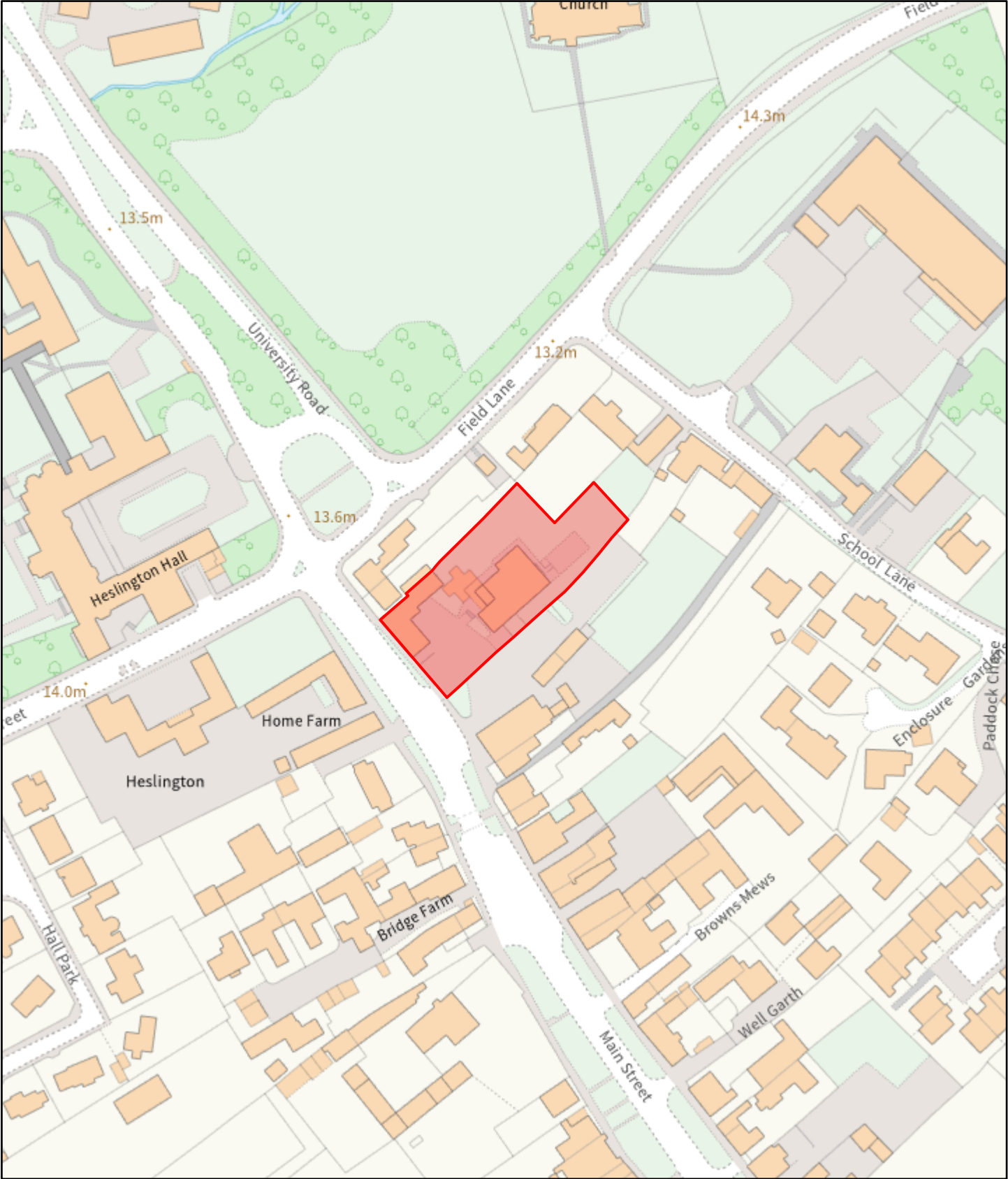
5 All new internal works shall be scribed around existing details.

Reason: In the interests of the significance of the listed building.

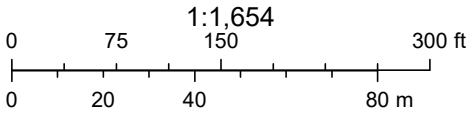
Contact details:

Case Officer: Jonathan Kenyon

Tel No: 01904 551323



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Planning Committee B

12 June 2025

Planning Appeal Performance and Decisions

- 1 This report informs Members of planning appeal decisions determined by the Planning Inspectorate between 1 January and 31 March 2025. Appendix A is a list of the appeals decided, a summary of each decision is provided in appendix B and a list of outstanding planning appeals in appendix C.
- 2 Appeal statistics are collated by the Planning Inspectorate (PINs) on a quarterly and annual basis. The Government use the statistical returns as one of a number of measures to assess the performance of local planning authorities. To assess the quality of decisions, this is based on the total number of decisions made by the Local Planning Authorities that are subsequently overturned at appeal. The threshold whereby a Local Planning Authority is eligible for designation as under-performing is 10% of the Authority's total number of decisions on major, non-major and "county-matter" (generally minerals and waste proposals) applications made during the assessment period being overturned at appeal.
- 3 Table 1 shows results of planning appeals decided by the Planning Inspectorate for the quarter for all types of planning appeals such as those against the refusal of planning permission, listed building applications and lawful development certificates. In the corresponding quarter the Planning Inspectorate allowed 28% of appeals determined in England. Appeals against conditions of approval do not form part of the PINs statistics but when received are used in tables 1 and 2 for information.

Table 1: CYC Planning Appeals Last Quarter Performance

	01/01/25 to 31/03/25
Allowed	4
Split decision	-
Dismissed	12
Total Decided	16
% Allowed	25%

- 4 There were no appeal decisions received during the quarter relating to applications for “major” development.
- 5 None of the appeals determined followed a decision to refuse permission made by the Planning Committees.
- 6 For the 12 months period 1 April 2024 to 31 March 2025, 26% of CYC appeals decided were allowed. In England, for the most recent return, 28% of appeals were allowed.

Table 2: CYC Planning Appeals 12-month Performance

	01/04/24 to 31/03/25	01/04/23 to 31/03/24
Allowed	12	21
Dismissed	32	40
Split decision	2	
Total Decided	46	61
% Allowed	26%	34%

- 7 The latest available figures from the Department of Levelling Up Housing and Communities (the assessment criteria set out in paragraph 2 above) show that, over the 2-year rolling assessment period, 0.9% of the total CYC decisions made in respect of non-major applications and 2.5% of total decisions made in respect of major applications were overturned at appeal. The comparison figures for England are 1.0% and 2.7% respectively. There were no appeals in respect of “county-matter” applications during the period.
- 8 The list of outstanding appeals is attached at Appendix C. There are 11 appeals of all types awaiting determination.

Consultation

- 9 This is an information report for Members and therefore no consultation has taken place regarding its content.

Council Plan

- 10 The report is relevant to the “A health generating city, for children and adults,” “A fair, thriving, green economy for all,” Sustainable accessible transport for all,” “Increasing the supply of affordable good quality housing” and “Cutting carbon, enhancing the environment” city priorities of the Council Plan 2023-2027.

Implications

- 11 Financial – There are no financial implications directly arising from the report.
- 12 Human Resources – There are no Human Resources implications directly involved within this report and the recommendations within it other than the need to allocate officer time towards the provision of the information.
- 13 Legal – There are no known legal implications associated with this report or the recommendations within it.
- 14 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

Risk Management

- 15 In compliance with the Council's risk management strategy, there are no known risks associated with the recommendations of this report.

Recommendation

- 16 That Members note the content of this report.

Reason

- 17 To inform Members of the current position in relation to planning appeals against the Council's decisions as determined by the Planning Inspectorate.

Contact Details

Author:

Gareth Arnold
Development Manager,
Development Management

Chief Officer Responsible for the report:

Becky Eades
Head of Planning and Development
Services

**Report
Approved**



Date 03.06.2025

Specialist Implications Officer(s) None.

Wards Affected:

All

For further information please contact the author of the report.

Appendices

Appendix A – Planning Appeals decided between 1 January and 31 March 2025

**Appendix B - Summaries of Planning Appeals decided between 1
January and 31 March 2025**

Appendix C - Planning Appeals Outstanding at 2 June 2025

Appendix A – Planning Appeals decided between 1 January and 31 March 2025

Date report run: 02-Jun-2025

Ward	Application number	Proposal	Address	Ctte/Del decision	Date decided	Decision
Dringhouses And Woodthorpe						
	24/00678/FUL	Erection of a covered external seating area to side, comprising of 1800mm high timber fencing, timber planters, relocation of parasol and festoon lighting	The Dick Turpin49 Moorcroft RoadYorkYO24 2RQ	DEL	20/02/25	Appeal Dismissed
Fulford And Heslington	19/02248/FUL	Erection of 4no. detached dwellings with associated access, parking and landscaping	40 Fordlands RoadYorkYO19 4QG	DEL	24/03/25	Appeal Dismissed
Guildhall	23/00768/FUL	Change of use from a dwellinghouse (use class C3) to short term letting accommodation for up to 10 people (sui generis)	17 Penleys Grove StreetYorkYO31 7PW	DEL	31/01/25	Appeal Dismissed
	24/00928/FUL	Removal of condition 7 (internal noise levels) of permitted application 21/00908/FUL	70 WalmgateYorkYO1 9TL	DEL	29/01/25	Appeal Allowed
Haxby And Wigginton	24/00039/REF	Dormer and bay window to front	3 Windsor DriveWiggintonYorkYO32 2QG	DEL	04/03/25	Appeal Dismissed
Hull Road	23/02336/FUL	Change of use from dwelling house (use Class C3) to House in Multiple Occupation (use Class C4) (retrospective)	234 MelrosegateYorkYO10 3SW	DEL	06/01/25	Appeal Allowed
	24/00157/FUL	Retrospective change of use from dwelling house (use Class C3) to House in Multiple Occupation (use Class C4) (retrospective)	3A Harington AvenueYorkYO10 3SU	DEL	12/02/25	Appeal Dismissed
Huntington/New Earswick	24/01147/ADV	Display of 2no. freestanding LED illuminated advertising display panels and LED screens	Site Adjacent Roundabout At Junction Of Malton Road Jockey Lane Huntington York	DEL	31/01/25	Appeal Dismissed
Micklegate	24/00604/CPU	Certificate of lawfulness for proposed use of 8no. flats as short term holiday lets	Crescent Court The Crescent York	DEL	29/01/25	Appeal Dismissed
	24/00385/FUL	Erection of 1no. dwelling to rear following demolition of detached garage	2 Norfolk StreetYorkYO23 1JY	DEL	21/02/25	Appeal Dismissed

	24/00431/ADV	Display of 1no internally illuminated fascia sign and 2no. non-illuminated fascia signs (Retrospective)	Roomzzz Aparthotel York Terry AvenueYorkYO23 1FG	DEL	17/03/25	Appeal Allowed
	24/00331/FUL	Change of use from dwelling (Use Class C3) to House in Multiple Occupation (use Class C4), to include dormer to rear and 2no. rooflights to front roofslope	44 Kyme StreetYorkYO1 6HG	DEL	24/03/25	Appeal Dismissed
Osballdwick And Derwent	23/01696/FUL	Change of use to children's day nursery (use class E) including alterations and extensions (resubmission)	71 Osballdwick VillageOsballdwickYorkYO10 3NP	DEL	05/02/25	Appeal Dismissed
Strensall	23/01079/FUL	Erection of shed - retrospective	Land To The Rear Of 34Westpit Lane Strensall York	DEL	17/02/25	Appeal Dismissed
	24/00204/OUT	Outline application (with access, layout and scale being considered) for erection of 6no. dwellings with associated access, car parking and landscaping after demolition of buildings	Pigotts Autoparts S heriff Hutton RoadStrensallYorkYO32 5XH	DEL	11/02/25	Appeal Dismissed
Wheldrake	24/00717/FUL	Erection of detached garage outbuilding	Pasture Farm Main Street DeightonYorkYO19 6HD	DEL	10/02/25	Appeal Allowed

Appendix B - Summaries of Planning Appeals decided between 1 January and 31 March 2025

Case number	Appeal by	Description	Address	Outcome
24/00029/REF	Mrs T Brooks	Change of use to children's day nursery (use class E) including alterations and extensions (resubmission)	71 Osbaldwick VillageOsbaldwickYorkYO10 3NP	Appeal Dismissed
Notes				
<p>Tiddlywinks Nursery has been operating from their site on Murton Way in Osbaldwick since 2004. The proposal was to expand the existing facility into the adjoining detached bungalow with garden and garage adjoining the site to the north. Planning permission was refused on the grounds of significant highways safety concerns from the additional customers accessing the nursery and on the living conditions of occupiers of the adjacent residential premises with regard to noise and disturbance. The Inspector visited the site unannounced to observe the traffic and parking situation at peak drop off time. They noted that many arrived on foot and bike, despite poor weather and that the cars parked on the street were parked on average no longer than five minutes when dropping off. Cars did not block driveways and when multiple cars were parked outside the nursery this caused some minor inconvenience to other drivers and buses, but that it did not cause heavy congestion, long delays or road safety issues and was typical of most built up areas close to schools and nurseries at peak times. Whilst there would be an increase in on street parking with the proposed nursery expansion, the Inspector found that the proposal would not be detrimental to highways safety and the nursery is in a sustainable location. However they did agree that the additional noise and disturbance from the expansion of the nursery into the adjoining property would have an unacceptable impact on the reasonable amenity of the neighbours. The neighbours garden which would be additionally affected is currently peaceful and away from the existing nursery and road and the adverse noise would also be experienced by the neighbours in the property with windows open. Conditions could not address the additional noise. Insufficient mitigation had been proposed. Whilst there is demand for childcare places, and additional jobs would be created, this would not outweigh the harm to neighbour amenity.</p>				

Case number	Appeal by	Description	Address	Outcome
24/00030/REF	Mrs Assia Matova	Change of use from dwelling house (use Class C3) to House in Multiple Occupation (use Class C4) (retrospective)	234 MelrosegateYorkYO10 3SW	Appeal Allowed

Notes

This appeal related to change of use of a three-bed property to a 4no. bed HMO. The proposal was retrospective. The application was refused on the grounds that it would exceed density thresholds and thus would be in conflict with policy H8 of the DLP 2018, considered to have a detrimental impact on the character of the area, result in harm to neighbour's amenity, and contribute to an erosion in the balance of the wider community. The proposal was also considered to have a sub-standard provision of parking. One of the bedrooms comprised a floor space less than the minimum standard defined within the Guidance Notes for HMO Licensing, and therefore considered to reflect a poor provision of occupant amenity, depending on omission of this bedroom and/or layout changes. The Inspector paid close attention to the methodology for calculating densities, placing lesser weight on these calculations, querying the true relevance of some included properties. The Inspector could not be certain that all properties included were in use as HMOs or that they contributed towards the concentration of such properties in those areas. It was not considered that the use of the appeal property has to date, or will in future, result in any negative effects or community imbalance. The smallest bedroom was conditioned to only be used as a study or storage space, or a bedroom occupied by a child aged 10 or under that is a relative of an occupier of one of the larger bedrooms. On this basis, the Inspector was satisfied that the HMO would provide appropriate living conditions. Although of limited depth, the Inspector observed that two vehicles were suitably parked at a neighbouring address, of the same conditions, at the time of their visit. Although they acknowledged tandem parking could result in one resident's car being blocked in, the Inspector was not persuaded a small group of no more than 4 adults could not manage parking arrangements in a suitable manner.

Case number	Appeal by	Description	Address	Outcome
24/00032/REF	Mr Sam Chamberlain	Erection of 1no. dwelling to rear following demolition of detached garage	2 Norfolk StreetYorkYO23 1JY	Appeal Dismissed

Notes

The appeal relates to a detached garage associated with the host property, a large three storey end of terrace which has previously been converted to 9 flats. Proposals sought to construct a detached single 'coach house' style dwelling. The application was refused on three grounds: character and appearance, amenity and cycle and waste storage. The Inspector agreed that the scale of the 'coach house' style property was subordinate to the prevailing terraced development and that there were no other

similar outbuildings or structures in the immediate locality and that within the context the proposal would appear as a contrived and incongruous development. Officers also considered the proposals to result in overdevelopment however the Inspector disagreed with this point. In terms of amenity, the Inspector agreed that the impact on the outlook and light of the adjacent property would be compromised. Similarly in terms of cycle and waste storage, whilst the garage to be demolished is currently rented to a third party and does not form part of the existing residential storage, the flats currently have no cycle storage provision. The applicant proposed 2no. cycle spaces which the Inspector concluded was insufficient, and the applicant failed to demonstrate that adequate storage facilities could be provided on site for the existing and future occupants. It was concluded that whilst the proposed dwelling would add to the mix and supply of housing in the area, and would be in a sustainable location with good access to services, despite the Council's lack of housing land supply, the provision of additional housing did not weigh highly enough to overcome the issues raised.

Case number	Appeal by	Description	Address	Outcome
24/00041/REF	Jim Pigott	Outline application (with access, layout and scale being considered) for erection of 6no. dwellings with associated access, car parking and landscaping after demolition of buildings	Pigotts Autoparts Sheriff Hutton RoadStrensallYorkYO32 5XH	Appeal Dismissed

Notes
The site comprises a scrapyard situated within open countryside to the north of Strensall village and accessed from Sheriff Hutton Road. Planning permission was sought for the erection of a small development of six houses as a straight resubmission of an earlier proposal previously refused. The site is physically remote from the village and only safely accessible by car with Sheriff Hutton Road at National Speed Limit for most of its length and no footpath with an uneven verge unsuitable for walking on. At the same time no evidence was forthcoming in respect of the site having been marketed as employment land to secure compliance with Policy EC2 of the Local Plan. It was also felt that insufficient information was forthcoming to enable a Habitats Regulations Assessment to be undertaken in relation to the potential impacts of the proposal on the Strensall Common SAC. Planning permission was therefore refused a second time for those reasons. The appeal Inspector agreed that the site was not sustainably located and could only be reasonably accessed by car making it an isolated residential development in open countryside. At the same time the Inspector agreed that insufficient information had been forthcoming to secure compliance with Policy EC2 of the Local Plan in respect of loss of employment land. Notwithstanding that the Inspector indicated that they felt on balance that sufficient had been forthcoming to demonstrate compliance with the needs of the Habitats Regulations in relation to impacts upon the Strensall SAC. The appeal was dismissed.

Case number	Appeal by	Description	Address	Outcome
24/00037/CON	Mrs Beth Davies	Removal of condition 7 (internal noise levels) of permitted application 21/00908/FUL	70 WalmgateYorkYO1 9TL	Appeal Allowed

Notes

Property is a former retail unit converted to dwelling. The appeal related to a condition which required noise attenuation to achieve specific noise levels within the bedrooms. The property is Grade 2 star listed and the Inspector understood that on heritage grounds only secondary glazing could achieve the required attenuation. However, this approach would (without trickle vents) require mechanical ventilation, which would also not be acceptable on heritage grounds. The Inspector found that on balance the conversion had vastly improved the listed building and given it a viable use. Any future purchaser would be aware of the local noise environment and possible disturbance, and the constraints of occupying a listed building. The Inspector found there was confusion in relation to relevant conditions related to large scale details required and noise attenuation. They were not precise or enforceable and the appeal was allowed.

Case number	Appeal by	Description	Address	Outcome
24/00033/REF	Mr Christopher Rymer	Change of use from a dwellinghouse (use class C3) to short term letting accommodation for up to 10 people (sui generis)	17 Penleys Grove StreetYorkYO31 7PW	Appeal Dismissed

Notes

The application sought retrospective planning permission for the continued use of 17 Penleys Grove Street from a dwellinghouse (use class C3) to short term letting accommodation for up to 10 people (sui generis). The LPA refused the application on grounds of the impact on adjacent neighbours for reasons that the occupation by large groups of adults in a largely residential location would result in unacceptable noise levels and disruption from socialising during the day and evening/early morning and from comings and goings by the occupants and through the use of the rear garden. The LPA did not consider the economic benefits to the city to support tourism would outweigh these concerns and concluded the proposal failed comply with Local Plan policy ENV2 (managing environmental quality) and Section 12 (Achieving well-designed places) of the National Planning Policy Framework 2024. The Inspector balanced their assessment of the proposal on then draft Local Plan policy ENV2 (managing environmental quality) and gave significant weight to the draft policy for reasons it reflected National Planning Policy. The Inspector acknowledged the applicant had spent considerable amounts of money in the conversion of the property and appreciated the applicant had gone to some length to discourage stag and hen parties. However, they agreed with the LPA on matters of harm to neighbour amenity and concluded the holiday let use would encourage more outside activity than a family home, whereby residents would be more

respectful to their neighbours. The Inspector did acknowledge that there had been only one objection to the proposal, however concluded this would not necessarily mean other residents would not be affected by the proposal. The Appeal was dismissed.

Case number	Appeal by	Description	Address	Outcome
24/00034/REF	Ms S Poole	Erection of 4no. detached dwellings with associated access, parking and landscaping	40 Fordlands Road York YO19 4QG	Appeal Dismissed

Notes

The appeal relates to the development of 4 dwellings in the large rear garden of 40 Fordlands Road. The LPA refused the application for 2 reasons: Flood risk and poor design relating to household waste storage. The site is within Flood Zone 2. National Policy requires that development in Flood Zone 2 is required to pass the sequential test. The aim of the sequential test is to steer development to the lowest area of flood risk by looking at whether there are any reasonably available sites in a lower area of flood risk. The Inspector agreed that the area of search for reasonably available sites should be the administrative area of the City of York. As such the Inspector concluded that proposed development fails the sequential test as it was not demonstrated that the development could not be located in an area at lower risk of flooding. The Inspector gave significant weight to the proposals conflict with National Planning Policy on Flood Risk and considered no material considerations outweighed the conflict, and therefore dismissed the appeal on that basis. The Inspector concluded that suitable provision for household waste in a manner that would not harm the visual appearance of the area would be provided.

Case number	Appeal by	Description	Address	Outcome
24/00036/REF	Mr Andrew Hare	Erection of shed - retrospective	Land To The Rear Of 34 Westpit Lane Strensall York	Appeal Dismissed

Notes

The appeal relates to the retention of a timber shed outside of the residential curtilage of 34 Westpit Lane Strensall. The LPA refused the application on its effect on the character and appearance of the Local Green Space and flood risk. The Inspector found that the development is harmful to landscape character and erodes community value through the loss of openness and the domestication of the land, which is designated as Local Green Space. The Inspector concluded that there were no public benefits that outweigh the harms identified. As such the proposal conflicts with the policies in the Strensall Neighbourhood Plan and the objectives of emerging Local Plan policies. The site is within Flood Zone 3, high probability of flooding. The Inspector concluded

that any development in Flood Zone 3 is contrary to National Planning Policy and the emerging Local Plan Policy ENV4. The Inspector concluded that no material considerations outweigh the above conflicts and therefore the appeal was dismissed.

Case number	Appeal by	Description	Address	Outcome
24/00038/REF	Mr Garry Crabtree	Erection of a covered external seating area to side, comprising of 1800mm high timber fencing, timber planters, relocation of parasol and festoon lighting	The Dick Turpin49 Moorcroft RoadYorkYO24 2RQ	Appeal Dismissed

Notes

The appeal relates to a covered outside drinking area within the car park at the side of the public house. A previous application to regularise the existing outside seating area was refused and dismissed at appeal due to impact on residential amenity with regard to noise and disturbance. The most recent application sought permission for a reduced size seating area, with timber acoustic fencing including French doors from the pub to the seating area. The existing smoking shelter does not form part of the application. The application was refused due to the impact on residential amenity - noise and disturbance. The Inspector agreed with officers that the use of the seating area (although reduced in scale from the previous scheme) would cause harm to amenity with regard to noise and disturbance to neighbouring residents. Public protection raised some objection but noted that they had only received one complaint in relation to noise. A number of neighbour objections were received confirming that the outside seating area continued to cause noise and disturbance and these objections weighed heavily against the application. The Inspector agreed with the weight attributed to these objections, despite a limited objection from Public Protection. The Inspector concluded that the French windows have the potential to increase noise disturbance and that the proposed fencing would be limited in terms of an acoustic barrier. In conclusion the Inspector agreed that there was little evidence to demonstrate that conditions could adequately control noise and as such the appeal was dismissed.

Case number	Appeal by	Description	Address	Outcome
24/00043/REF	Mr Shaun Yeomans	Retrospective change of use from dwelling house (use Class C3) to House in Multiple Occupation (use Class C4) (retrospective)	3A Harington AvenueYorkYO10 3SU	Appeal Dismissed

Notes

The Inspector noted that the existing density levels of HMO's had already been breached and saw no reason not to uphold the Council's policy with regard to the Article 4 Directive. That cumulative harm would result from additional multiple occupation in

terms of the character of the neighbourhood. He also considered that the proposal would also result in unacceptable additional parking pressure on the street.

Case number	Appeal by	Description	Address	Outcome
24/00039/REF	John Walshaw	Dormer and bay window to front	3 Windsor Drive Wigginton York YO32 2QG	Appeal Dismissed

Notes

The appeal was made against the refusal of a planning application for a dormer and bay window to the front at No. 3 Windsor Drive. The Inspector found that the proposed front dormer would result in significant harm to the character and appearance of the dwelling and the wider locality. Whilst acknowledging the front dormer was scaled back from a previous application refusal, the dormer was still considered to result in significant harm accordingly. The Inspector also found that the proposed front projecting bay window would unbalance the front elevation in relation to the attached dwelling. The appellant provided examples of dormers and bay windows that they considered comparable to the development, although due to a lack of locational information on some examples, or the identifiable examples being in a different locational context, they could not be considered as substantive or comparable evidence. The Inspector found the proposal contrary to Policy D11 of the emerging Local Plan, which seeks to promote high quality design and ensure alterations to existing buildings respond positively to their immediate architectural context.

Case number	Appeal by	Description	Address	Outcome
24/00045/REF	Mr Jamie Stewart	Change of use from dwelling (Use Class C3) to House in Multiple Occupation (use Class C4), to include dormer to rear and 2no. rooflights to front roofslope	44 Kyme Street York YO1 6HG	Appeal Dismissed

Notes

This appeal related to the erection of a box dormer to the rear of a period terraced property on Kyme Street, Bishophill, in conjunction with change of use to a HMO. The application was refused on the grounds that the rear dormer would, by virtue of its pronounced intervention to a currently unaltered roof plane, be visually dominant and out of keeping with the character of the host, and also with the largely unaltered roof forms prevalent more widely within the Bishophill area, an important visual characteristic of the area, and thus would result in harm to the setting and appearance of the Conservation Area in conflict with policies D1, D4 and D11 of the Local Plan. The inspector agreed that the dormer would form a bulky and obtrusive addition to the roof of the property, overly prominent when seen alongside the neighbouring unspoilt rear facing roofslopes. The inspector further acknowledged that

the rear roofslopes are also visible in public views when looking from the gate at the end of the passageway on Baile Hill Terrace and from the top of the city walls. The appellant's appeal statement raised a few local examples of similar dormers. The Inspector viewed that these examples, rather than setting a precedent for further rear dormers, demonstrated how harmful they are to the unspoilt roofscape and the otherwise charming, regimented, repetitive and homogenous terraced housing of the Bishophill area as described in the Conservation Area appraisal. The appeal was therefore dismissed.

Case number	Appeal by	Description	Address	Outcome
24/00042/REF	Mr Patrick Norville	Erection of detached garage outbuilding	Pasture Farm Main Street Deighton York YO19 6HD	Appeal Allowed

Notes
<p>This appeal related to erection of a single storey detached garage outbuilding within the curtilage of an existing (extended) detached farmhouse set within the village of Deighton. The application was refused on the grounds that it would constitute a disproportionate addition over and above the size of the original building, and thus would not fall within the exception of paragraph 154c) of the NPPF's Green Belt development. The host dwelling was of period form, appearing to comprise a variety of evolutionary enlargements, the latest being approved and developed last year, contributing towards an additional 42 sqm of footprint adjacent to the open countryside. It was considered that another smaller two-storey side addition was also added subsequent to 1948, and thus this proposal would result in an increase in size disproportionate to the original property, taking into account its previous enlargements and adaptations. However, the Inspector concluded, subsequent to information provided by the applicant, that the smaller two-storey addition was likely added prior to 1948. The Inspector acknowledged that the map extract provided was not definitive as to what existed, although showed a large footprint commensurate with the applicant's claim. It was therefore determined that the development proposed would not represent disproportionate additions over and above the size of the building, taking into account what was likely to have been present in 1948. The appeal was therefore allowed.</p>

Case number	Appeal by	Description	Address	Outcome
24/00035/REFADV	Parklane Group	Display of 1no internally illuminated fascia sign and 2no. non-illuminated fascia signs (Retrospective)	Roomzzz Aparthotel YorkTerry AvenueYorkYO23 1FG	Appeal Allowed

Notes

The main issue was the effect of the advertisement displays on the amenity of the area, including the effect on the character and appearance of the New Walk/Terry Avenue Conservation Area (CA). The Inspector indicates that as the displays (white lettering/logo) are mounted high on the building, above the third floor, and the building is so large, from the ground nearby they appear as quite modest advertisements, not out of scale in relation to the host building. Continuing, they state that the signs are not garish or unduly attention seeking but instead relatively discreet and restrained when seen by those passing by. The small scale of Sign B and D in the context of the host building and the large-scale CA with its long-distance views across and along the river result in minimal impact on the character and appearance of the CA. The trees along the frontage of the building serve to filter views of the signs when seen from Terry Avenue. The addition of the relatively discreet and restrained non-illuminated sign D high up on the building adds little to its impact on this outlook (between the southern elevation of Dukes Wharf which face the Aparthotel with a minimum separation distance of about 22m), particularly as a large coniferous tree sited between the two buildings filters the view of the sign from many flats. The Inspector concluded that two advertisement displays do not materially affect the visual amenity of the area nor cause significant harm to the character and appearance of the New Walk/Terry Avenue CA. The displays comply with Policy D13 of the Local Plan which support advertisements which are of a scale, design, material, finish, position and number that do not cause harm to visual or residential amenity and respect the character of the host building and street scene.

Case number	Appeal by	Description	Address	Outcome
24/00050/REF	Mr Paul Hardy	Display of 2no. freestanding LED illuminated advertising display panels and LED screens	Site Adjacent Roundabout At Junction Of Malton Road Jockey Lane Huntington York	Appeal Dismissed

Notes

The application sought Advertisement Consent to display 2x 48 sheet free standing illuminated LED digital screen on land to the north of the A1036 Malton Road within the York Green Belt. The land is on the junction Jockey Lane and Martello Way which

border the Monks Cross Park and Ride, York Community Stadium and Vangarde Shopping Park. The Local Planning Authority (LPA) refused the advert consent for reasons the size and high-level advertising displayed through a digital LED screen with illuminated imagery towards the open countryside and not visually fit comfortably within the character of surrounding semi-rural location. It was concluded they would constitute unnecessary clutter by virtue of their overly assertive appearance illumination and illustration in a visually prominent location on the roundabout where illuminated signs of this nature are not commonplace. The Inspector acknowledged the vicinity of the site there is sporadic areas of development along its length of highway and has a significant amount of road infrastructure, particularly at the junction of the application site. The Inspector was aware appellant has made reference to other advertisements throughout the country. However, was not satisfied that any of these are entirely comparable and concluded the proposal would be assessed on its own merits. Therefore considered they would represent a large new, uncharacteristic features that would be at odds with the character of the location. Furthermore, noted the advertisement site was clearly distinct from the developed commercial areas beyond the site and the signage would extend the commercial area significantly further to the south of the site. The Inspector dismissed the Appeal for reasons the signage would have an adverse impact on the visual amenity of the semi-rural area, conflict with policy H4 of the Huntington Neighbourhood Plan 2021, NPPF, and The National Planning Practice Guidance.

Case number	Appeal by	Description	Address	Outcome
24/00020/REFCLU	Crescent Properties (York) Limited	Certificate of lawfulness for proposed use of 8no. flats as short term holiday lets	Crescent Court The Crescent York	Appeal Dismissed

Notes

The appeal was made against a refusal to grant a certificate of lawfulness or development (LDC). The LDC was sought for the existing use of 8no. flats as short-term holiday lets. The Inspector outlined that whether or not a use as short-term holiday lets falls within the scope of Use Class C3 is a matter of fact and degree having regard to the characteristics of the visitor use and outlined that is necessary to compare the character of the current use with that of the previous use. However, the flats once completed, have only been occupied for short-term holiday let purposes and there is no former use for the characteristics of the current use to be compared to. The Inspector found the appellants evidence to be imprecise and ambiguous, citing that from the evidence currently available they were unable to identify the characteristics of the existing short-term holiday accommodation use with precision. In the absence of evidence relating to who has occupied each flat, the Inspector outlines that they are not able to conclude with certainty that each of the 8no. flats have been occupied by people or groups living together as single households, in accordance with Class C3 of the Use Classes Order.

Appendix C - Planning Appeals Outstanding at 2 June 2025

Ward	PINs Appeal number	Proposal	Address	Date appeal lodged
Clifton	APP/C2741/X/24/3353168	Development of 1 metre tall high timber gates	The Sleeping Bear 4 Government House Road York YO30 6LU	04/10/24
	APP/C2741/W/25/3359830	Conversion of detached garage to self-contained annexe living accommodation	85 Crombie Avenue York YO30 6DW	30/01/25
	APP/C2741/X/25/3362223	Certificate of lawfulness for use as House in Multiple Occupation (Use Class C4) for up to 4 occupants	29 Ratcliffe Street York YO30 6EN	12/03/25
Guildhall	APP/C2741/X/25/3359451	Certificate of lawfulness for use as short term holiday let	40 Milton Street York YO10 3EP	23/01/25
	APP/C2741/Y/25/3362687	External alterations to include display of 2no. pictorial signs to existing hanging gibbets, halo illuminated lettering, door plaque, external display board, window vinyl, and menu board	Keystones4 Monkgate York YO31 7PE	20/03/25
	APP/C2741/H/25/3362686	Display of 2no. pictorial signs to existing hanging gibbets, halo illuminated lettering, door plaque, external display board, window vinyl, and menu board	Keystones4 Monkgate York YO31 7PE	20/03/25
Heworth	APP/C2741/X/22/3303954	Certificate of lawfulness for use of building as a dwelling within Use Class C3	20B Asquith Avenue York YO31 0PZ	26/07/22
	APP/C2741/W/25/3365350	Change of use of dwelling (use class C3) to large House in Multiple Occupation (sui generis) for up to 8 occupants	75A Monkton Road York YO31 9AL	08/05/25
Heworth Without	APP/C2741/W/25/3359807	Change of use from small House in Multiple Occupation (use class C4) to a large House in Multiple Occupation (Sui Generis)	153 Bad Bargain Lane York YO31 0PF	30/01/25
Holgate	APP/C2741/W/25/3362935	Conversion of former public house to form 6no. apartments (Use Class C3) with associated access, parking and bike stores and external alterations including dormer and the insertion of rooflights following demolition of outbuildings, canopy and external staircase	The Jubilee Balfour Street York YO26 4YU	24/03/25
Hull Road	APP/C2741/X/24/3353406	Certificate of Lawfulness for use as a House in Multiple Occupation	60 Yarrowburgh Way York YO10 5HG	09/10/24
	APP/C2741/W/25/3361130	Conversion of detached garage to form 1no. flat with associated external alterations	191 Tang Hall Lane York YO10 3RJ	21/02/25

Huntington/New Earswick	APP/C2741/D/25/3363477	Single storey side extension after removal of garage	26 Ferguson WayHuntingtonYorkYO32 9YG	03/04/25
Micklegate				
	APP/C2741/W/25/3365126	Change of use from dwelling house (use Class C3) to House in Multiple Occupation (use Class C4) - resubmission	68 Nunthorpe RoadYorkYO23 1BQ	02/05/25
Osballdwick And Derwent	APP/C2741/W/25/3362064	Erection of a Battery Energy Storage System with associated infrastructure, site levelling works, access, landscaping and ancillary works.	Land Lying To The North West Of Murton Way York	10/03/25
Rawcliffe And Clifton Without	APP/C2741/W/25/3362125	Removal of condition 3 of permitted application 18/01122/FUL to allow the former outbuilding to be used as an independent dwelling	55 Morehall CloseYorkYO30 4WA	11/03/25
Rural West York	APP/C2741/W/25/3364002	Removal of conditions 2, 4 and 6 of permitted application 3/121/101A/PA	The Stables Woodside Farm Moorlands Farm And Hospital Wigginton York YO32 2RE	12/04/25
	APP/C2741/D/25/3364675	Single storey rear extension and 4no. rooflights to front roofslope	The Old School House Shirbutt Lane Hessay York YO26 8JT	28/04/25
Wheldrake	APP/C2741/W/25/3365420	Outline application for 1no. dwelling with associated landscaping and parking following demolition of existing structures with only access considered	Disused Mod Camp Site Wheldrake Lane Elvington York	09/05/25